

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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MEMORANDUM

June 19, 2008

To: Members of the Committee on Oversight and Government Reform

Fr: Committee on Oversight and Government Reform, Majority Staff

Re: Supplemental Information for Full Committee Hearing on Department of Justice Grantmaking

On Thursday, June 19, 2008, at 10:00 a.m. in room 2154 of the Rayburn House Office Building, the full Committee will hold a hearing on grantmaking practices at the Department of Justice. This hearing will examine how the Justice Department's Office of Juvenile Justice and Delinquency Prevention (OJJDP) awarded juvenile crime prevention grants in Fiscal Year 2007. This memorandum provides supplemental information based on the Committee's review of documents provided by the Justice Department and interviews of current and former Justice Department employees.

EXECUTIVE SUMMARY

In 2007, the Justice Department held a competition to award \$8.6 million in federal grants to national juvenile justice initiatives. The Department issued a public solicitation on May 17, 2007, that set forth ten specific funding priorities. The solicitation explained that applications would be evaluated by a peer review team based on a 100-point score with five specific subcategories. Over 100 applicants applied for the grants.

On June 17, the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), J. Robert Flores, approved grants to ten applicants. Mr. Flores passed over the top six ranked applications and chose only five of the top 18 proposals listed as "recommended" by the career staff. Five of the applicants he selected, which collectively received 55% of the grant funding, had been listed as "not recommended" by the career staff. They included:

- **An Abstinence-Only Group.** Mr. Flores awarded a \$1.1 million grant to the Best Friends Foundation, an abstinence-only education organization, even though its proposal

ranked 53 out of 104 applications. According to one of the career reviewers, the application was “poorly written,” “had no focus,” “was illogical,” and “made no sense.” The founder and chairman of the Best Friends Foundation is Elayne Bennett, whose husband worked in the Reagan and Bush Administrations. Documents and interviews show that while the grant was being developed and competed, Mr. Flores had multiple contacts with Ms. Bennett, including free attendance to a \$500 per-plate Best Friends Foundation fundraiser for himself and his wife.

- **The World Golf Foundation.** Mr. Flores awarded a \$500,000 grant to the World Golf Foundation, even though its program ranked 47 out of 104 applications. Mr. Flores told the Committee that he traveled to Florida in February 2006 to visit individuals associated with the World Golf Foundation and play golf. After Mr. Flores and his chief of staff, Michelle DeKonty, met with a World Golf Foundation official in June 2007, they directed Justice Department officials to assist the group in submitting its grant application. Before the peer review process commenced, the career official in charge of the peer review wrote in an e-mail that he was “certain we are funding” the World Golf Foundation because Mr. Flores’s chief of staff “has said as much.”
- **Faith-Based Organizations Linked to a Former White House Official.** Mr. Flores awarded a \$1.2 million grant to Urban Strategies LLC, a consulting firm, and Victory Outreach, “a church-oriented Christian ministry called to the task of evangelizing,” even though their program ranked 42 out of 104 applications. The President of Urban Strategies is Lisa Cummins, who formerly worked in the White House Office for Faith Based Initiatives.

Career staff at the Justice Department told the Committee that Mr. Flores’s actions were “absolutely not” fair and that “our expertise isn’t recognized.” The former Assistant Attorney General who supervised Mr. Flores told the Committee: “I am for candor and clarity, especially when dealing with the people’s money. And that did not happen. And I am upset that it did not happen.” Another official, Mr. Flores’s chief of staff, Michele DeKonty, refused to speak to the Committee, citing her Fifth Amendment privilege against self-incrimination.

As a result of Mr. Flores’s actions, many highly rated grant applications did not get funded. The Justice Department solicitation said that programs addressing “child abuse and neglect” would be a priority for funding. Three groups submitted proposals under this priority, including Winona State University, which received the fourth highest score of the entire pool of 104 applications. The Justice Department official in charge of the grants review process told the Committee that Winona State University’s application was “well-developed” and “a strong application that could be funded.” Yet Mr. Flores rejected this application, claiming that all three child abuse applications were “outside of OJJDP priority areas.”

The executive director of the Justice Research and Statistics Association, which had the single highest scoring application but did not receive a grant, wrote to the Committee: “OJJDP’s reputation has always been one of professionalism and concern for the best information that can be made available to researchers and practitioners in the field, and the recent events have compromised that reputation.”

I. BACKGROUND

In 2007, the Justice Department held a competition to award \$8.6 million in federal grants to national juvenile justice initiatives. These grants were awarded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), which is headed by Administrator J. Robert Flores. OJJDP's mission is to provide "national leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization."¹

In May 2007, the Justice Department began drafting a public solicitation for grant applications under this competition. According to Mr. Flores's supervisor at the time, Assistant Attorney General Regina B. Schofield, the Department was seeking to award these grants through a "transparent process."² Ms. Schofield told the Committee that the criteria for this public solicitation were developed after discussions between her office, OJJDP, and the Acting Associate Attorney General William Mercer.³

On May 17, 2007, the Department of Justice issued the final grant solicitation for prospective applicants on www.grants.gov. The solicitation set forth ten specific priorities for the Justice Department under this competition. They were:

- Providing youth opportunities to use their time in a positive manner through education, employment, community service, sports, and art;
- Building on the strengths of children and their families;
- Addressing special populations such as at-risk girls, tribal youth, and youth in the juvenile justice system with mental health problems;
- Internet safety;
- Commercial sexual exploitation of children;
- Child abuse and neglect;
- Disproportionate minority contact and improve juvenile detention and corrections system;
- Operation of the juvenile court system;
- Courts' handling of abuse and neglect cases; and
- Collaboration between the child welfare system and the juvenile justice system.⁴

The solicitation stated that applicants would be "evaluated, scored, and rated by a peer review panel," promising that "OJJDP is committed to ensuring a competitive and standardized

¹ U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *Mission Statement* (online at ojjdp.ncjrs.org/about/missionstatement.html).

² House Committee on Oversight and Government Reform, Interview of Regina B. Schofield (June 4, 2008).

³ *Id.*

⁴ Department of Justice, Office of Juvenile Justice and Policy Prevention, *Solicitation for OJJDP FY 2007 National Juvenile Justice Programs* (May 17, 2007) (online at ojjdp.ncjrs.gov/grants/solicitations/FY2007/NJJPrograms.pdf).

process for awarding grants.”⁵ According to the solicitation, this peer review panel would use a numerical grading system to rank applications under the following 100-point scale:

- Statement of the Problem/Program Narrative (20 points)
- Impact/Outcomes and Evaluation (20 points)
- Project/Program Design and Implementation (30)
- Capabilities/Competencies (20)
- Budget (10 Points)⁶

The Justice Department received 104 applications in response to the solicitation. OJJDP managers distributed these applications to several two-person teams to review and assign a numerical score. These teams evaluated each application solely based on the Justice Department criteria set forth in the May 17 public solicitation. As one reviewer told the Committee: “When I was conducting the reviews that were requested of us to do, I had the solicitation and the application side by side during the review.”⁷

Jeff Slowikowski, the career Justice Department official who supervised the peer review process, told the Committee that he compiled the review team scores into a single spreadsheet from highest score to lowest. He stated that the review team chose the top 12 highest scoring applications to forward on for consideration. In addition, to adjust for potential differences among scores from different graders, the review team also chose the single highest scorer from each team reviewing the applications. As a result, the review team forwarded to Mr. Flores summaries of 18 specific high scoring applications.⁸

Mr. Slowikowski told the Committee that he spoke with Mr. Flores about the grants and that Mr. Flores understood that the 18 summaries were “a recommended pool to choose from.”⁹ According to Mr. Slowikowski, he forwarded to Mr. Flores only 18 summaries because there was not enough money to fund even that many proposals. He stated:

18 summarized applications represented probably \$40 million in requested funding. ... [W]hy keep going down the list when you can't ... award these. You know, if you wanted to award all 18, you couldn't do it because we're nowhere near that type of funding.¹⁰

⁵ *Id.*

⁶ *Id.*

⁷ House Committee on Oversight and Government Reform, Interview of Program Manager B, OJJDP (June 5, 2008).

⁸ House Committee on Oversight and Government Reform, Interview of Jeffrey Slowikowski (June 6, 2008).

⁹ *Id.*

¹⁰ *Id.*

A chart produced to the Committee by Mr. Flores on June 16, 2008, lists 18 grant applications as “recommended” and shades them in green. The remaining 86 applications are listed on the chart as “NR” for “not recommended.”¹¹

Mr. Flores decided to fund only five of the 18 recommended programs, awarding them \$3.88 million in funding. He also chose to fund five programs that were not recommended, awarding them \$4.32 million in funding. Concerns about Mr. Flores’s selections have been raised by *Youth Today* and the ABC *Nightline* program.¹²

II. AWARDS TO APPLICANTS NOT RECOMMENDED

The five groups that were not recommended for funding but which received funding from Mr. Flores were: (1) the Best Friends Foundation, an abstinence-only organization, which ranked 53 out of 104; (2) the World Golf Foundation, which ranked 47 out of 104; (3) Urban Strategies, a consulting firm, and Victory Outreach, a faith-based organization, which ranked 42 out of 104; (4) Enough Is Enough, an anti-Internet pornography organization, which ranked 33 out of 104; and (5) the Latino Coalition for Faith and Community Initiatives, another faith-based organization, which ranked 26 out of 104.

The documents produced to the Committee indicate that Mr. Flores had an “understanding” with his staff that he would not meet personally with groups that were applying for grants. For example, his staff rejected a meeting request from the president of Parents Anonymous, a grant applicant at the time. On March 30, 2007, a staffer wrote an e-mail to Mr. Flores confirming this policy:

Per our understanding, these calls were to be handled by Program Managers and to protect you from folks beating down your door by saying that you are not available. Is this correct? Open door for one and others will follow, you know how the grapevine works!¹³

Consistent with this policy, the president of Parents Anonymous was told that she could not meet with Mr. Flores and was directed to program level staff.¹⁴ Parents Anonymous’s application was later rejected, even though it applied under a key category under the solicitation, reducing child victimization, and was scored higher than groups that received awards from Mr. Flores.

¹¹ Office of Juvenile Justice and Delinquency Prevention, *National Juvenile Justice Programs Matrix* (Mar. 18, 2008) (provided to Committee staff by Mr. Flores on June 16, 2008).

¹² E.g. *For Juvenile Justice, A Panel of One: New Grants Skip Top-Scoring Bids; Did Administrator Flores Play Favorites?*, *Youth Today* (Jan. 1, 2008) (online at www.youthtoday.org/publication/article.cfm?article_id=949); *Justice Department Official Awards \$500,000 Grant to Golf Group*, ABC News (June 9, 2008).

¹³ E-mail from Ron Laney to J. Robert Flores (Mar. 30, 2007).

¹⁴ *Id.*

In contrast, this policy did not apply to the “not recommended” groups that received awards from Mr. Flores. The documents produced to the Committee show that they often had significant personal contacts with Mr. Flores, including offers of assistance in preparing their grant applications.

A. Award to the Best Friends Foundation

Mr. Flores awarded a \$1.1 million grant to the Best Friends Foundation, which is based in Washington D.C. This application was ranked 53 out of 104 applicants by the peer review team, placing it in the bottom half of the grant applications. The Best Friends application was the lowest scoring application to receive a grant award and was listed as “not recommended” by the career staff.¹⁵

According to its website, the Best Friends Foundation promotes “self-respect through the practice of self-control and provides participants the skill, guidance, and support to choose abstinence from sex until marriage and reject illegal drug and alcohol use.”¹⁶ The Best Friends Foundation had previously received noncompetitive funding from the Justice Department in 2004 and 2005.¹⁷

The peer review team that examined the application from the Best Friends Foundation concluded that the proposal’s “objectives are not quantifiable,” that they lacked a “discussion on how funds to the sites will be managed,” and that “it is not clear ... how behavioral changes are recorded and qualified.”¹⁸ The peer review team stated that the proposal’s “strategies are too broadly defined,” and that there was “insufficient discussion regarding specific design and implementation approaches and timelines.”¹⁹ Contrary to the stated goal of replicating the organization’s program in six new cities, the peer review team found that “the sites chosen are already in varying degrees of operation.”²⁰

When Committee staff interviewed one of these peer reviewers, a Justice Department program manager with almost ten years of experience, she provided the following assessment of Best Friends’ application:

¹⁵ Office of Juvenile Justice and Delinquency Prevention, *National Juvenile Justice Programs Matrix*, *Supra* note 11.

¹⁶ Best Friends Foundation, Home Page (online at www.bestfriendsfoundation.org/index.html).

¹⁷ OMB Watch, *Fedspending.org Grants Database* (accessed on June 18, 2008).

¹⁸ Office of Juvenile Justice and Delinquency Prevention, Department of Justice, *Reviewer Checklist for Best Friends Foundation, OJJDP FY 2007 National Juvenile Justice Programs* (undated).

¹⁹ *Id.*

²⁰ *Id.*

Their goals and objectives were so poorly written. Their program statement had no focus. It was clear that they were seeking funds to support an existing effort. That effort was not responsive to the solicitation. You know, the budget included funding for organizations and jurisdictions that weren't even discussed in the program design and implementation section. They weren't even mentioned. So the application was illogical. Its approach made no sense. And it didn't have a coherent theme to it. And, again, it was clear that they were looking for money to support, you know, to fill gaps in an existing budget. The evaluation section, they barely responded to it.²¹

The peer review team gave the application a score of 79.5, the second-lowest rating they assigned to the seven applications they reviewed.²² According to Mr. Slowikowski, who reviewed the scores of all the review teams, this peer review team scored applications particularly high, which means that Best Friends would have had a lower score if adjusted across peer review groups.²³

Documents reviewed by the Committee indicate that Mr. Flores had frequent personal contacts with the Best Friends Foundation and its founder, Elayne Bennett. Ms. Bennett is the wife of William Bennett, who served in both the Reagan and George H. W. Bush Administrations. In fact, Mr. Flores gave the Best Friends Foundation an endorsement in 2005 to support a Best Friends report entitled: "Can Abstinence Work? An Analysis of the Best Friends Program."²⁴

According to Scott Peterson, a Justice Department official, Ms. Bennett informed him in April 2007, that she had recently had lunch with Mr. Flores and that "he advised her to apply for funding from OJJDP and the competitive announcements for such funding would be out soon."²⁵ That same month, on April 27, 2007, Mr. Flores attended a \$500 per-plate fundraiser for the Best Friends Foundation, along with his wife and his special assistant, Donni LaBoeuf, and her husband.²⁶ The foundation provided tickets to the event for free. Prior to attending the event, Mr. Flores requested an opinion from the Office of General Counsel, which approved his attendance.²⁷

²¹ House Committee on Oversight and Government Reform, Interview of Program Manager A, OJJDP (June 4, 2008).

²² Office of Juvenile Justice and Delinquency Prevention, *National Juvenile Justice Programs Matrix*, *Supra* note 11.

²³ House Committee on Oversight and Government Reform, Interview of Jeffrey Slowikowski (June 6, 2008).

²⁴ Best Friends Foundation, *Study Finds Best Friends Abstinence Program Positively Influence Adolescents' Social Behavior* (Apr. 27, 2005) (online at www.bestfriendsfoundation.org/FoundPressAnnouncement.html).

²⁵ E-mail from Scott Peterson to House Oversight and Government Reform Committee staff (June 17, 2008).

²⁶ *Id.*

²⁷ E-mail from Charles Moses to Donni LeBoeuf (Apr. 5, 2007).

An e-mail from Mr. Flores indicates that one week later, on May 4, 2007, he invited Ms. Bennett to a private meeting with Michele DeKonty, his chief of staff.²⁸ The e-mail does not describe the subject matter of the meeting. When the Committee sought to interview Ms. DeKonty to learn more about this meeting and her role in the grant process, she informed the Committee that she would not comply voluntarily and if compelled would invoke her Fifth Amendment right against self-incrimination.²⁹

Less than two weeks later, on May 17, 2007, Mr. Flores' office issued the solicitation for grants, and Best Friends submitted an application on June 11, 2007. On July 17, 2007, Mr. Flores awarded Best Friends the grant for \$1,124,000. A week later, on July 24, 2007, Mr. Flores participated in a summit held by the Best Friends Foundation at a Washington hotel.³⁰

B. Award to the World Golf Foundation

Mr. Flores awarded a \$500,000 grant to the World Golf Foundation, which is based in St. Augustine, Florida. This application was ranked 47 out of 104 applicants by the peer review team and was listed as "not recommended."³¹

The mission of the World Golf Foundation's "First Tee" program is to "impact the lives of young people by providing learning facilities and educational programs that promote character development and life-enhancing values through the game of golf."³² The First Tee program has previously received noncompetitive funding from the Justice Department from 2003 through 2006.³³

According to documents provided by the Justice Department, the peer review team that reviewed the application from the World Golf Foundation stated that the program's "design elements did not flow directly from the goals and objectives."³⁴ They also stated that the statistics provided to describe the problem to be addressed "only support ethnic breakdown of youth involved in golf" and "does not lead into how funding would advance juv justice or

²⁸ E-mail from J. Robert Flores to Michele DeKonty (May 4, 2007).

²⁹ Telephone conversation between David H. Laufman and Committee staff (June 10, 2008).

³⁰ E-mail from Holly Bauer to J. Robert Flores (Aug. 6, 2007).

³¹ Office of Juvenile Justice and Delinquency Prevention, *National Juvenile Justice Programs Matrix*, *Supra* note 11.

³² World Golf Foundation, *The First Tee: 2007 Annual Review* (undated).

³³ OMB Watch, *Fedspending.org Grants Database* (accessed on June 18, 2008).

³⁴ Office of Juvenile Justice and Delinquency Prevention, Department of Justice, *Reviewer Checklist for World Golf Foundation, OJJDP FY 2007 National Juvenile Justice Programs* (undated).

practical implications.”³⁵ The peer review team also noted that while the proposed costs were allowable, they “could have been more reasonable.”³⁶

Regina Schofield, the Assistant Attorney General for Justice Programs, told the Committee that she and Mr. Flores disagreed about whether the Justice Department should fund this proposal. During her interview with Committee staff, Ms. Schofield stated:

Mr. Flores and I had conversations about World Golf Foundation. I did not like their score. It was ... one of those organizations that I thought was kind of weak. And I didn't see them serving a large population of at-risk kids. And I had a candid conversation with him about that. He said he was familiar with the work at the World Golf Foundation, that they had broadened the number of kids that they were going to reach every year, and it was within his discretion to give them money, and so I let him use that discretion to let him make that award.³⁷

Ms. Schofield also told Committee staff that Mr. Flores had a prior relationship with the World Golf Foundation:

I gathered that he had been invited to speak at a number of their meetings, conferences. ... I don't know what their forums were, but I think he had been invited to speak a number of times and felt a familiarity with them.³⁸

During his briefing with Committee staff on June 16, 2008, Mr. Flores stated that he had traveled to Florida to visit individuals associated with the World Golf Foundation.³⁹ His visit corresponded with the First Tee program's annual meeting from February 14 through 17, 2006. According to Mr. Flores, he played golf with First Tee officials.⁴⁰ According to the World Golf Foundation's conference agenda, the official First Tee conference golf outing was played on February 17 at the Slammer & Squire course at the World Golf Village.⁴¹ He stated that he paid for his round of golf, but also said there were questions about the paperwork that may be on file with the Justice Department regarding this trip.⁴²

³⁵ *Id.*

³⁶ *Id.*

³⁷ Interview of Regina B. Schofield, *Supra* note 2.

³⁸ *Id.*

³⁹ Briefing by J. Robert Flores, Administrator, Office of Juvenile Justice and Delinquency Prevention to Committee staff (June 16, 2008).

⁴⁰ *Id.*

⁴¹ The First Tee, *Annual Meeting Program* (Feb. 14–17, 2006).

⁴² Briefing by J. Robert Flores, *Supra* note 39.

According to documents produced by the Justice Department, Mr. Flores met personally with Joe Barrow, the executive director of the First Tee program, in early 2007.⁴³ On March 7, 2007, Mr. Barrow wrote to Mr. Flores to thank him for the meeting. Mr. Flores met again with Mr. Barrow on June 6, 2007, along with Michelle DeKonty, Mr. Flores's chief of staff, and deputy administrators Greg Harris and Nancy Ayers.⁴⁴

Mr. Slowikowski told the Committee that after this meeting, Mr. Flores and Ms. DeKonty wanted to know why Mr. Slowikowski had not personally informed the World Golf Foundation about the recent solicitation for grant applications. Mr. Slowikowski stated:

I will never agree that that was our responsibility. We have 800 to 1,000 open grants. We don't make all 1,000 people aware of every solicitation we issue. It's just not feasible. We have a process for doing that, which is you register for our listserv and any time we issue a solicitation you will get an e-mail saying funding opportunity; if you're interested, you know, go to this Web site and you can apply.⁴⁵

The next day, on June 7, 2007, Mr. Barrow e-mailed Mr. Flores's chief of staff, Ms. DeKonty, to ask for assistance in submitting a grant application. He wrote:

It is most fortunate we had our meeting, w/out such we might have completely missed the deadline. ... I would ask you to determine how you might assist us in the initial effort so that we can file the Grant Application and continue our very good work with OJJDP.⁴⁶

According to Mr. Slowikowski, Mr. Flores and Ms. DeKonty then directed program staff to help the World Golf Foundation in preparing its application. He told the Committee: "it was made clear that we had to ... work with World Golf and make sure that they got their application in ... and that with only a week left ... we needed to ... assist them."⁴⁷

The next day, on June 8, 2007, Mr. Slowikowski wrote in an e-mail: "World Golf made the grants.gov deadline. Requesting \$3.0 million which I am certain we are funding because Michele has said as much."⁴⁸ At the time this e-mail was sent, the peer review process had not yet begun.

⁴³ Letter from Joe Louis Barrow, Jr. to J. Robert Flores, Administrator, Office of Juvenile Justice and Delinquency Prevention (Mar. 7, 2007).

⁴⁴ E-mail from Joe Barrow, Executive Director, First Tee Program to Michele DeKonty, Office of Juvenile Justice and Delinquency Prevention (June 7, 2007).

⁴⁵ Interview of Jeffrey Slowikowski, *Supra* note 8.

⁴⁶ E-mail from Joe Barrow, *Supra* note 44.

⁴⁷ Interview of Jeffrey Slowikowski, *Supra* note 8.

⁴⁸ E-mail from Jeff Slowikowski to Kellie Dressler (June 8, 2007).

C. Award to Urban Strategies and Victory Outreach

Mr. Flores awarded a \$1.2 million grant to Urban Strategies LLC, a consulting firm based in Arlington, Virginia, and Victory Outreach Special Services, a church-based group located in San Dimas, California. This application was ranked 42 out of 104 applicants by the peer review team and was listed as “not recommended.”⁴⁹

The president of Urban Strategies is Lisa Trevino Cummins. According to the firm’s website, Ms. Cummins is “a social entrepreneur who is passionate about building on the strengths of grassroots faith-based organizations to affect change.”⁵⁰ The website also states that Ms. Cummins “served in numerous capacities for the White House Office for Faith-Based Initiatives.”⁵¹ Under “examples of our work,” the firm’s website highlights the Department of Health and Human Services’ Compassion Capital Fund, stating that Urban Strategies “has been a key architect in the design of this Presidential initiative” and “was contracted to write the Requests for Proposals issued by the federal government.”⁵²

According to its website mission statement, Victory Outreach is a “church-oriented Christian ministry called to the task of evangelizing and discipling the hurting people of the world, with the message of hope and plan of Jesus Christ.”⁵³

The application submitted by Urban Strategies and Victory Outreach explained that Urban Strategies would conduct the oversight of the grant, while Victory Outreach would perform the services. Under the award, Urban Strategies would receive 32% of the \$1.2 million, or \$387,000, under this three-year grant. The application also stated that Kelly Cowles, a program manager at Urban Strategies, would be the program manager under this grant. According to the firm’s website, Ms. Cowles previously served as the program manager for the Compassion Capital Fund under Health and Human Services Secretary Tommy Thompson.

In the grant application submitted by Urban Strategies, Ms. Cowles highlighted as relevant experience her work with the Ohio Governor’s Office of Faith-Based and Community Initiatives. She stated that Cowles Consulting “[h]elped to develop a comprehensive strategy to design and implement a two-year statewide \$22 million initiative called the Ohio Strengthening Families Initiative on behalf of the Ohio Governor’s Office.”⁵⁴ However, this contract with the

⁴⁹ Office of Juvenile Justice and Delinquency Prevention, *National Juvenile Justice Programs Matrix*, *Supra* note 11.

⁵⁰ Urban Strategies, *Who We Are* (online at www.urbanstrategies.us/whoweare.php).

⁵¹ *Id.*

⁵² Urban Strategies, *What We D* (online at www.urbanstrategies.us/whatwedo.php).

⁵³ Victory Outreach, Mission Statement of Victory Outreach (online at www.victoryoutreach.org/aboutus/victory-outreach-mission.asp).

⁵⁴ Victory Outreach Special Services, *Application for OJJDP FY 2007 National Juvenile Justice Programs*, GMS No. 2007-51041-OR-JL (undated).

Ohio Governor's Office was terminated for mismanagement in March 2007.⁵⁵ On September 12, 2007, the Ohio Office of Inspector General issued an audit questioning the \$125,115 paid to Cowles Consulting. The audit stated:

In our review there was no documentation of what work was performed, services provided, or actual days worked. A valid contract was not in place between WCA and Cowles Consulting, nor was it identified in the project proposal as a consulting pool member for this project.⁵⁶

The Justice Department peer review team that evaluated the proposal from Urban Strategies and Victory Outreach raised serious questions about the application. For example, the peer reviewers raised concerns about the role of Urban Strategies, stating:

[I]t is not clear from the budget or the project narrative the exact role of "Urban Strategies" (Victory Outreach's partner consultant) or how the relationship with Victory Outreach will function in regards to staffing, etc.⁵⁷

The reviewers noted that according to the grant application, a "majority of 'Key Personnel' work for Urban Strategies," and "[i]t is unclear how reporting structure will function and where ultimate responsibilities will fall."⁵⁸

The reviewers also raised concerns with the capacity of Victory Outreach to perform under the grant. After reviewing the application, the peer reviewers stated: "The organizational capacity of VOS [Victory Outreach] is unclear. ... There may be cause to question whether [Victory Outreach] has the capacity to manage a project of this magnitude."⁵⁹ The peer reviewers stated: "It is unclear whether the applicant organization and staff have sufficient knowledge to undertake a project of this magnitude."⁶⁰

The documents produced by the Justice Department relating to this grant award indicate that Ms. Cummins had a personal meeting on March 16, 2007, with Steven McFarland, the director of the Justice Department's Task Force for Faith-Based and Community Initiatives, regarding funding opportunities for her clients. Shortly after this meeting, Mr. McFarland sent

⁵⁵ *Report: Defunct Faith-Based Nonprofit Owes Ohio Money*, The Roundtable on Religion and Social Welfare Policy (Sept. 18, 2007).

⁵⁶ Ohio Department of Job and Family Services, Office of the Chief Inspector, *Internal Audit Report: We Care America* (Sept. 5, 2007).

⁵⁷ Office of Juvenile Justice and Delinquency Prevention, Department of Justice, *Reviewer Checklist for Victory Outreach Special Services, OJJDP FY 2007 National Juvenile Justice Programs* (undated).

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

an e-mail to Mr. Flores recommending that he meet personally with Ms. Cummins. Mr. McFarland wrote:

In my meeting this a.m. with Ms. Lisa Cummins of Urban Strategies, I recommended that she contact you regarding Victory Outreach, a faith-based ministry with 40 years of work among gang members. ... Lisa formerly was Senior VP for community development at Bank of America and then Associate Director of the White House Office On Faith-Based and Community Initiatives, so I know you will find her a great asset to the work of JJDP.⁶¹

The Justice Department documents show that electronic meeting requests were circulated inviting Mr. Flores to meetings with Ms. Cummins and the directors of Victory Outreach, but no documents reflect what was discussed in these meetings.⁶²

On September 24, 2007, after the award of the grant, Ms. Cummins met Mr. Flores at a White House Conference on Faith-Based and Community Initiatives, after which he asked his staff to meet with Ms. Cummins to work on a revised budget proposal.⁶³

D. Award to Enough Is Enough

Mr. Flores awarded a \$750,000 grant to Enough Is Enough, which is based in Great Falls, Virginia. This application was ranked 33 out of 104 applicants and was listed as “not recommended” by career staff.⁶⁴

According to Enough Is Enough’s website, the group’s mission is “to continue raising public awareness about the dangers of Internet pornography and sexual predators.”⁶⁵

Enough Is Enough submitted their application to OJJDP on June 11, 2008. During the application review process, the peer reviewers noted several shortcomings in the proposal, including its plan for monitoring and evaluation, as well as its plan for sustaining the project past the duration of the federal grant. Specifically the reviewers observed that the proposal was “lacking in description of how the evaluation will be completed” and that “sustainability

⁶¹ E-mail from Steven T. McFarland, Director, Task Force for Faith-Based and Community Initiatives, Department of Justice to Michele DeKonty and J. Robert Flores (Mar. 16, 2007).

⁶² See e.g. E-mail from J. Robert Flores to Gregory Harris, et al. (Apr. 20, 2007).

⁶³ E-mail from Michele DeKonty to Jeff Slowikowski (Sept. 25, 2007).

⁶⁴ Office of Juvenile Justice and Delinquency Prevention, *National Juvenile Justice Programs Matrix*, *Supra* note 11.

⁶⁵ Enough Is Enough, *Who We Are* (online at www.enough.org/inside.php?id=E7A5VT6VM)

discussion is almost non-existent.”⁶⁶ The peer reviewers also expressed concern about the group’s staffing plan, stating: “It is not clear that they are adequately staffed.”⁶⁷

In spite of these shortcomings, Mr. Flores approved a grant for the organization on July 17, 2007.⁶⁸ The group appears to have had several contacts with Mr. Flores. On March 2, 2007, Ms. Hughes invited Mr. Flores and his wife to Enough Is Enough’s annual “Heart-to-Heart” fundraising dinner.⁶⁹ The documents do not indicate whether Mr. Flores attended the event.

On July 31, 2007, Ms. Hughes wrote to Mr. Flores requesting that he participate in “an interview for our *Internet Safety 101* DVD. We are only reaching out to a few experts.”⁷⁰ Ms. Hughes followed up with an additional request on August 21. She wrote, “As we discussed, a portion of this program is being funded through OJJDP, both via past earmark funding as well as future competitive grants. Given direct and indirect dollars of OJJDP support, is this a project Bob could participate in as an expert regarding protecting children online, law enforcement efforts, programs etc?”⁷¹

Ms. Hughes had further contact in September 2007, when she was a featured presenter at a conference sponsored by OJJDP on the “Commercial Sexual Exploitation of Children.”⁷²

E. Award to the Latino Coalition for Faith and Community Initiatives

Mr. Flores awarded a \$1.2 million grant to the Latino Coalition for Faith and Community Initiatives, which is based in Bakersfield, California. This application was ranked 26 out of 104 applicants by the peer review team and was listed as “not recommended.”⁷³

⁶⁶ Office of Juvenile Justice and Delinquency Prevention, Department of Justice, *Reviewer Checklist for Enough Is Enough, OJJDP FY 2007 National Juvenile Justice Programs* (undated).

⁶⁷ *Id.*

⁶⁸ Memorandum from J. Robert Flores, Administrator, to Regina Schofield, Assistant Attorney General for Justice Programs (July 17, 2007).

⁶⁹ Letter from Donna Rice Hughes, Enough Is Enough to J. Robert Flores (Mar. 2, 2007).

⁷⁰ E-mail from Donna Rice Hughes, Enough Is Enough to J. Robert Flores (July 31, 2007).

⁷¹ E-mail from Donna Rice Hughes, Enough is Enough to J. Robert Flores (Aug. 21, 2007).

⁷² Enough Is Enough, *EIE President & Chairman to Participate in the Commercial Sexual Exploitation of Children (CSEC) Research Cluster Conference* (online at www.enough.org/inside.php?tag=E7G4PWTP8).

⁷³ Office of Juvenile Justice and Delinquency Prevention, *National Juvenile Justice Programs Matrix*, *Supra* note 11.

The Latino Coalition is a faith-based organization. According to its website, the Latino Coalition's mission is to "strengthen the capacity, enhance the programs, and expand the reach of faith & community-based organizations working to transform the lives of Latino youth and families."⁷⁴

There appear to be connections between the Latino Coalition and Urban Strategies and Victory Outreach. The Latino Coalition application stated that the Coalition would use the funds to support the work of twelve local faith-based organizations, including three Victory Outreach affiliates.⁷⁵ According to a report issued by the Baylor University Institute of Religion, Urban Strategies president Lisa Cummins was instrumental in helping the Latino Coalition secure federal grants. In 2004, she helped the Latino Coalition obtain a \$10 million grant from the Department of Labor.⁷⁶ A year later, in 2005, the Latino Coalition received an almost \$1 million grant from the Compassion Capital Fund administered by the Department of Health and Human Services.⁷⁷ As mentioned above, Ms. Cummins claims that Urban Strategies has been a "key architect" of this initiative and "was contracted to write the Requests for Proposals issued by the federal government."⁷⁸ In addition, Ms. Cummins's current program manager at Urban Strategies, Kelly Cowles, was then the program manager of the HHS Compassion Capital Fund administering these same grants. The Latino Coalition also used some of Compassion Capital funds to assist Victory Outreach Services.⁷⁹

The Baylor University report states that Richard Morales is "a colleague of Cummins."⁸⁰ According to the Latino Coalition's application, it planned to pay a firm headed by Mr. Morales, Pinnacle Resources LLC, \$108,000 for "overall management of the project."⁸¹ It also proposed paying \$60,000 to a consulting firm called SigniCorp for "capacity building and consulting services."⁸² Mr. Morales is a "strategic partner" for SigniCor.⁸³

⁷⁴ Website of the Latino Coalition for Faith and Community Initiatives, *Mission and Goals* (online at www.latinocoalition.org/missionsandgoals.html).

⁷⁵ Latino Coalition for Faith & Community Initiatives, *Application for OJJDP FY 2007 National Juvenile Justice Programs*, GMS 2007-51708-CA-JL (June 11, 2007).

⁷⁶ Baylor Institute for Studies of Religion, *The Latino Coalition for Faith and Community Services: Case Study* (March 2008) (online at www.baylor.edu/content/services/document.php/60658.pdf).

⁷⁷ *Id.*

⁷⁸ Urban Strategies, *Supra* note 52.

⁷⁹ Baylor Institute for Studies of Religion, *Supra* note 76.

⁸⁰ *Id.*

⁸¹ Latino Coalition for Faith & Community Initiatives, *Supra* note 75.

⁸² *Id.*

⁸³ See e.g., SigniCor, Project Management page (online at signicor.com/projectmgt.html) (linking to biography of "strategic partner" R. Paul Morales).

During the Justice Department's application review process, the peer reviewers specifically questioned the reliance of the Latino Coalition on consultants like Mr. Morales. The peer reviewer observed that "a large number of staff employed by applicant will be a part of the management of this grant."⁸⁴ The peer reviewer stated: "I question why they are paying for another entity to do project management for this grant."⁸⁵

III. DISREGARDING JUSTICE DEPARTMENT PRIORITIES

One consequence of Mr. Flores's decision to award funds to "not recommended" programs appears to be that priorities identified by the Justice Department in the solicitation could not be funded. This is particularly the case in the area of preventing child abuse and neglect.

The public solicitation issued by the Justice Department on May 17, 2007, included as one of its ten priority areas programs that addressed "child abuse and neglect."⁸⁶ Under this category, three organizations submitted applications: Winona State University, based in Minnesota; the American Psychological Association, based in Washington D.C.; and the Zero to Three program, also based in Washington D.C.

When these applications were reviewed by the peer review team, they received relatively high scores. Winona State University's application received an average score of 96.5, the fourth highest rated application out of the entire pool of 104 applications. This application proposed implementing a college curriculum to improve the training of law enforcement officers and other professionals who encounter cases involving child mistreatment.⁸⁷ One reviewer awarded Winona State University a score of 98, the highest score awarded by any single peer reviewer.

The assessment conducted by the peer review team of the application from Winona State University was universally positive. Among the "strengths" listed by the peer review team were:

- "Project offers both innovative approach and advancement of current practice";
- "Goals and objectives clearly stated";
- "Performance measures include quantifiable and qualifiable data which is collectible by the applicant";
- "Clear connections between goals and objectives and desired results";
- "Key personnel have significant knowledge and experience in this field";

⁸⁴ Office of Juvenile Justice and Delinquency Prevention, Department of Justice, *Reviewer Checklist for the Latino Coalition of Faith-Based and Community Initiatives, OJJDP FY 2007 National Juvenile Justice Programs* (undated).

⁸⁵ *Id.*

⁸⁶ Department of Justice, Office of Juvenile Justice and Policy Prevention, *Supra* note 4.

⁸⁷ Letter from Victor I. Vieth, Director, National Child Protection Training Center, Winona State University to Henry A. Waxman, Chairman (June 10, 2008).

- “Applicant clearly has the organizational capacity [and] experience to manage the project”; and
- “Applicant is recognized for successful collaborative efforts in this area.”⁸⁸

The peer review team awarded the American Psychological Association a score of 91.5, ranking it 16 out of 104 applicants, and it awarded the Zero to Three program a score of 89.5, ranking it 30.

Mr. Flores, however, did not fund any of the grant applications relating to child abuse. In a chart attached to a memorandum justifying his selections, Mr. Flores stated that programs to address “child abuse” fell “outside of OJJDP Priority Areas.”⁸⁹

During the Committee’s interview, Mr. Slowikowski was asked if Mr. Flores had disregarded the official Justice Department priorities in favor of his own. In response, Mr. Slowikowski stated that Mr. Flores’ action “does present a conflicting issue of saying that child abuse is not a priority area when the solicitation said it was.”⁹⁰

IV. MR. FLORES’S DECISIONMAKING PROCESS

A. Mr. Flores’s Award Criteria

On July 17, 2007, Mr. Flores sent Assistant Attorney General Schofield a “decision memo” listing the grant applications he recommended for funding. Instead of using the ten Justice Department criteria listed in the public solicitation, Mr. Flores’s memo set forth eight criteria, some of which were the same as the public solicitation, but most of which were different. They were:

- Training and Technical Assistance for the Juvenile Court System;
- Utilizing mentoring outreach efforts directed at Latino high-risk youth;
- Utilizing sports-based outreach efforts directed at high-risk youth;
- Utilizing school-based outreach efforts directed at preventing high-risk activity (out-of-wedlock pregnancy);
- Reducing child victimization — Internet safety;
- Multi-sector user data;
- Ensure safe and appropriate conditions of confinement; and
- Targeted efforts towards foster care youth.⁹¹

⁸⁸ E-mail from Office of Juvenile Justice and Delinquency Prevention, to Nancy K. Peterson, Director, Grants & Sponsored Projects, Winona State University (Apr. 14, 2008).

⁸⁹ Memorandum from J. Robert Flores, Administrator, to Regina B. Schofield, Assistant Attorney General, on FY07 National Programs Award Recommendations (July 17, 2007) (spreadsheet entitled, “National Juvenile Justice Programs” bearing the date 7/19/2007).

⁹⁰ Interview of Jeffrey Slowikowski, *Supra* note 8.

⁹¹ Memorandum from J. Robert Flores, Administrator, to Regina B. Schofield, Assistant Attorney General, on FY07 National Programs Award Recommendations (July 17, 2007)

During a briefing with Committee staff on June 16, 2007, Mr. Flores stated that he did not create a new set of criteria, but merely set forth descriptions of the grants he chose to award under the categories listed in the solicitation. He described these as “descriptive headers” rather than substantive criteria.⁹²

Mr. Flores’s assertion appears to contradict his memo justifying the grant awards. The memo states that “the OJJDP Administrator used the following criteria in the selection of applications.” The memo also “identifies his primary priority areas” and explains that each recommended grantee “has the highest score that met the criteria under the administrator’s priority area.”⁹³

Mr. Flores’s contention also appears to contradict the views of his superior, Ms. Schofield. During her interview with the Committee, Ms. Schofield stated that she had never heard of these criteria before and expressed concerns about the fairness of the grant competition. She said:

[Y]ou can’t create categories after grants have been received, because there is not transparency in the process. But also, because I had worked in tandem with the Associate and other people in the Department on what those categories were, I was not aware that he was creating different categories. So if I am not aware as the Assistant Attorney General, then it is not fair to the grantees that are applying for something and don’t know that there are other categories.⁹⁴

She stated further:

I am for candor and clarity, especially when dealing with the people’s money. And that did not happen. And I am upset that it did not happen. And I wish in retrospect that I had had more time to probe him on those because ... even though you have some discretion, I don’t believe in changing that discretion after you had already put out a solicitation.⁹⁵

Mr. Flores’s staff also told the Committee that they did not know about his priority areas before they saw his justification memo. They told the Committee that using these criteria was not fair, transparent, or in the taxpayer’s interest. For example, one official had this exchange with the Committee:

⁹² Briefing by J. Robert Flores, Administrator, Office of Juvenile Justice and Delinquency Prevention, to House Committee on Oversight and Government Reform Staff (June 16, 2008).

⁹³ Memorandum from J. Robert Flores, Administrator, to Regina B. Schofield, Assistant Attorney General, *Supra* note 91.

⁹⁴ Interview of Regina B. Schofield, *Supra* note 2.

⁹⁵ *Id.*

- Q: So if some of these priority areas that he identifies in this memo were not included in the solicitation ... that wouldn't be a transparent process, in terms of the applicants, would it?
- A: No.
- Q: And that wouldn't be a transparent process in terms of what the reviewers were looking at, because you were looking at the solicitation; is that right?
- A: Right. ...
- Q: Is, is that fair to the applicants, to be judged on criteria that they didn't know about?
- A: Absolutely not. ...
- Q: If the goal of these grants is to get a competition, to get the most effective programs, does it serve the taxpayer interest if you're not putting in the solicitation what you're really looking for?
- A: No, it doesn't.⁹⁶

According to Mr. Slowikowski, the manager who supervised this peer review process, its purpose was to evaluate applications through a "fair" and "competitive" process. Mr. Slowikowski stated:

I think it's fairness as well as it's trying to spend the taxpayer dollars efficiently as possible. ... [B]y doing the competition, you hope to identify the best applicants and the ones who are most likely to succeed in using that money to get the outcomes we're looking for, which is reducing juvenile delinquency and increasing ... the number of juveniles that are becoming productive citizens.⁹⁷

B. Mr. Flores's Use of the Peer Review Process

During his briefing with Committee staff on June 16, Mr. Flores stated that despite the detailed scoring system used by the review teams, the purpose of this peer review process was limited to determining only whether applications were "competent" or "not competent."⁹⁸

No documents produced by the Justice Department support this contention, however. There are no documents that mention a "competency" determination made by the peer review

⁹⁶ Interview of Program Manager A, *Supra* note 21.

⁹⁷ Interview of Jeffrey Slowikowski, *Supra* note 8.

⁹⁸ Briefing by J. Robert Flores, Administrator, Office of Juvenile Justice and Delinquency Prevention, to House Committee on Oversight and Government Reform Staff (June 16, 2008).

teams. To the contrary, documents produced to the Committee consist of charts setting forth the precise numerical scores of applications, tables with the appropriate rankings of applicants, and applicant review forms awarding specific numerical scores in each category listed in the solicitation. They also include recommendations for funding or not funding specific applications.

Mr. Flores wrote in his memo to Assistant Attorney General Schofield that he “selected applications from the top 20%.”⁹⁹ During his briefing with Committee staff, Mr. Flores explained that, in making this statement, he did not mean that he selected applications from the top 20% of applicants, but rather from applications that received a numerical score of approximately 80 or higher. During her interview with Committee staff, Ms. Schofield stated, “What I thought it meant was that you had grantees in the 20th percentile, the highest selection, the highest scored.”¹⁰⁰

Justice Department officials engaged in the peer review process told the Committee that they felt Mr. Flores’s actions reflected a lack of respect for their professionalism and their work. They said that his apparent disregard for the efforts of career staff has damaged morale in the office. One staff member said, “It fosters a sense that our expertise isn’t recognized, isn’t appreciated; therefore, staff are not appreciated or recognized. And it makes it very tense in the office.”¹⁰¹ Mr. Slowikowski told the Committee that this frustration was widely shared. He said:

Staff felt like they spent a lot of time doing this for nothing, like their input and the value that they added was not used. And so for me it was troubling. Because I mean we were in a really time consuming effort to get a lot of things done in a very short time and we spent a lot of sweat equity on this, and I had people now that were like, you know, don’t ask me next time.¹⁰²

C. Mr. Flores’s Spreadsheets

The Justice Department has provided numerous iterations of a spreadsheet used by Mr. Flores to justify his grant award decisions. The final version of this spreadsheet was attached to the justification memo written by Mr. Flores to explain how he made his decisions. A review of the evolution of this spreadsheet over a three-day period from July 16 through July 19, 2007, suggests that the “Administrator priority areas” listed in Mr. Flores’s justification memo were developed only after he decided which groups to fund.

⁹⁹ Memorandum from J. Robert Flores, Administrator, to Regina B. Schofield, Assistant Attorney General, *Supra* note 91.

¹⁰⁰ Interview of Regina B. Schofield, *Supra* note 2.

¹⁰¹ Interview of Program Manager A, *Supra* note 21.

¹⁰² Interview of Jeffrey Slowikowski, *Supra* note 8.

The first version of the spreadsheet was dated July 16, 2007. In this version, the applicants were listed in order of their peer review scores, and the 18 applications that were recommended by the peer review team were shaded green.¹⁰³

In the next version of the spreadsheet, also dated July 16, the shading on the 18 recommended applicants was replaced by shading labeled “Highlighted Green = Top 20%.”¹⁰⁴ In fact, those applicants highlighted were not the top 20%, but rather the 57 applicants that scored higher than 79 in their review.¹⁰⁵

By July 17, 2007, the applicants were no longer sorted by peer review score. This version was the first iteration divided into “blocks” of applicants by subject matter rather than ranking. This version contained editing instructions on how to rearrange the spreadsheet. For example, the instructions said “move to 2nd block” and “move to section 8.”¹⁰⁶ These blocks included new categories, such as “Training and T&A for the Juvenile Court System” and “Prevention/Intervention Directed at Latino High Risk Youth.”¹⁰⁷ The highest scoring applicant in a block labeled “Prevention/Intervention — Outreach” was the National Center for Victims of Crime, followed by the World Golf Foundation.¹⁰⁸ The World Golf Foundation was also listed in a second block, along with the Best Friends Foundation, labeled “Prevention/Intervention — School Based High Risk Activity Prevention.”¹⁰⁹ Following the blocks was a group of applicants with the instructions: “The following need to be placed somewhere.”¹¹⁰

In this version of the spreadsheet, the two top-ranked applicants were omitted entirely. These two groups were the Justice Research and Statistics Association and the National Partnership for Juvenile Services, received the highest scores awarded by the peer review team. According to Mr. Slowikowski, these two applicants met the criteria in two of Mr. Flores’s priority areas and would have been the highest-scoring applications in each of those areas.¹¹¹ These applicants did not receive funding.

¹⁰³ Spreadsheet entitled “Juvenile Justice Programs Scoring Matrix” (July 16, 2007) (Bates # OJP000011457-11464).

¹⁰⁴ Spreadsheet entitled “National Juvenile Justice Programs Ranked Scoring Matrix” (July 16, 2007) (Bates # OJP000011440-11447).

¹⁰⁵ *Id.*

¹⁰⁶ Spreadsheet entitled “National Juvenile Justice Programs Ranked Scoring Matrix” (July 17, 2007) (Bates # OJP000011512-11521).

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ Interview of Jeffrey Slowikowski, *Supra* note 8.

The final spreadsheet, dated July 19, 2007, rearranged the contents of the blocks again and defined them for the first time as “OJJDP priority areas.”¹¹² In each of the new “priority areas,” the highest applicant was selected to receive a grant. However, in several of these priority areas, only one application now met Mr. Flores’s criteria. For example, the block that was formerly labeled “Prevention/Intervention — Outreach” was renamed “Prevention/Intervention — School Based Sports Outreach.”¹¹³ Under this newly labeled priority area, the World Golf Foundation was the only remaining applicant. The previous top scorer in that block, the National Center for Victims of Crime, was moved to a block by itself entitled “Tribal Youth Programs,” but was labeled “Outside of OJJDP Priority Areas.”¹¹⁴ Similarly, the final version of the spreadsheet included a new priority area for “School Based High Risk Activity Prevention,” whose only remaining applicant was the Best Friends Foundation.¹¹⁵

In effect, it appears that through manipulation of categories, Mr. Flores transformed the World Golf Foundation and the Best Friends Foundation from the 47th and 53rd ranked applicants to the most highly ranked applicants in his newly developed priority areas. In his justification memo explaining his award choices, Mr. Flores stated of both the World Golf Foundation and the Best Friends Foundation: “This application has the highest score that met the criteria under the administrator’s priority area.”¹¹⁶ Mr. Flores’s superior, Ms. Schofield observed:

My understanding now is for the subcategories that Mr. Flores picked that he came up with and created those categories, he looked through the grants and chose that ones that were meeting his criteria, not necessarily the criteria that we had set out and that had been agreed to by the Department of Justice.¹¹⁷

V. DISSEMINATION OF INCOMPLETE INFORMATION ABOUT THE AWARDS PROCESS

Several Justice Department officials interviewed by the Committee explained that in past administrations, the practice was for the Administrator of OJJDP to provide a written explanation if he disregarded recommendations by the peer reviewers and bypassed higher-ranked groups for lower-ranked ones. One official who has worked as a program manager for almost ten years stated that in the past, when an administrator disregarded peer reviewer recommendations, “he provided a rationale why ... and that rationale was provided, that kind of communication and

¹¹² Spreadsheet entitled “National Juvenile Justice Grant Programs” (July 19, 2007) (Bates # OJP000010044-52).

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ Memorandum from J. Robert Flores, Administrator, to Regina B. Schofield, Assistant Attorney General, *Supra* note 91.

¹¹⁷ Interview of Regina B. Schofield, *Supra* note 2.

transparency was provided back to the staff.”¹¹⁸ Another official told Committee staff that in the past, “peer review scores generally drive the process the most,” and that “if we were skipping somebody we would justify in that memo we’re not going to award that application and this is the reason why.”¹¹⁹

During his briefing with Committee staff on June 16, 2008, Mr. Flores stated that he created no documents to explain why he rejected applications from organizations that were ranked highest by the peer review team.¹²⁰

When organizations that were rejected inquired about the reasons their applications were not funded, they were not told the actual reasons for their rejection. For example, when officials from Winona State University inquired about why their application was rejected, they were told that the reason was because of their peer review scores. Nancy Peterson, the Director of Grants and Sponsored Projects for Winona State University, wrote to the Department of Justice on November 7, 2007, requesting an explanation for the rejection of their grant.¹²¹ On April 14, 2008, five months later, the Department sent a letter stating that “a review panel reviewed applications against the criteria set out in the solicitation,” but “the selection process was highly competitive.”¹²² Officials from Winona State University were not told that Mr. Flores used criteria different than those published in the solicitation, that Mr. Flores believed that “child abuse” was outside his priority areas, or that all ten grants awarded by Mr. Flores went to applicants that received lower scores.

After news accounts published the actual peer review scores, the Director of Winona State University’s National Child Protection Training Center, Victor Veith, wrote to the Committee, stating that “OJJDP’s handling of the FY 2007 National Juvenile Justice Programs left the impression that funding is not based on merit but on internal factors developed after the fact.”¹²³

Big Brothers and Big Sisters of America also were not told the actual reason for their application’s rejection. In September 2007, Big Brothers and Big Sisters of America requested a meeting with Assistant Attorney General Regina Schofield to discuss why its grant application had been rejected. On September 25, 2007, Ms. Schofield’s senior advisor sent an e-mail to

¹¹⁸ Interview of Program Manager A, *Supra* note 21.

¹¹⁹ Interview of Jeffrey Slowikowski, *Supra* note 8.

¹²⁰ Briefing by J. Robert Flores, Administrator, Office of Juvenile Justice and Delinquency Prevention, to House Committee on Oversight and Government Reform Staff (June 16, 2008).

¹²¹ E-mail from Nancy K. Peterson, Director, Grants & Sponsored Projects, Winona State University, to Office of Juvenile Justice and Delinquency Prevention (Nov. 7, 2007).

¹²² E-mail from Office of Juvenile Justice and Delinquency Prevention, to Nancy K. Peterson, Director, Grants & Sponsored Projects, Winona State University (Apr. 14, 2008).

¹²³ Letter from Victor I. Vieth, Director, National Child Protection Training Center, Winona State University, *Supra* note 87.

Marilyn Roberts, Mr. Flores's deputy administrator for programs, asking what they should tell the organization.¹²⁴ Ms. Roberts suggested that the "basic explanation is that the competition was stiff and there were limited funds available so many applicants with high scores did not have scores high enough to receive funding."¹²⁵ Ms. Roberts added: "I hope that scores will not be shared as that is something that we never do."¹²⁶ Big Brothers and Big Sisters was not informed that it had scored higher than half of the applicants chosen by Mr. Flores to receive grants.

These anomalies in the grant process and the incomplete information provided afterwards apparently had a negative impact on the reputation of OJJDP. Joan Weiss, the executive director of the Justice Research and Statistics Association, which had the single highest scoring application among all 104 proposals; wrote to the Committee that it "is clear that the final decisions were made based on criteria other than those put forth in the solicitation and listed on the OJJDP web site."¹²⁷ She added: "OJJDP's reputation has always been one of professionalism and concern for the best information that can be made available to researchers and practitioners in the field, and the recent events have compromised that reputation."¹²⁸

¹²⁴ E-mail from Elizabeth Lonick, Senior Advisor to the Assistant Attorney General, Office of Justice Programs to Marilyn Roberts, Deputy Administrator for Programs, Office of Juvenile Justice and Delinquency Prevention (Sept. 25, 2007).

¹²⁵ E-mail from Marilyn Roberts, Deputy Administrator for Programs, Office of Juvenile Justice and Delinquency Prevention to Elizabeth Lonick, Senior Advisor to the Assistant Attorney General, Office of Justice Programs (Sept. 26, 2007).

¹²⁶ *Id.*

¹²⁷ Letter from Joan C. Weiss, Executive Director, Justice Research and Statistics Association to Henry A. Waxman, Chairman (June 11, 2008).

¹²⁸ *Id.*