



# OFFICE OF THE INSPECTOR GENERAL

## U.S. Department of Justice

(202) 514-3435 | [oig.justice.gov](http://oig.justice.gov)

FOR IMMEDIATE RELEASE

January 19, 2017

### **DOJ OIG Releases Report on Office of Justice Programs' Tribal Justice Systems Infrastructure Program**

The Department of Justice (DOJ) Office of the Inspector General (OIG) announced today the release of a report examining the DOJ Office of Justice Programs' (OJP) Tribal Justice Systems Infrastructure Program (TJSIP), which provides grants to plan, construct, and renovate tribal justice facilities. From fiscal years (FY) 2009 through 2014, the Bureau of Justice Assistance (BJA) within OJP awarded \$275 million in TJSIP grants. While BJA is responsible for awarding TJSIP grants, responsibility for funding the operation and maintenance of the tribal justice facilities after they are built generally falls to a different federal organization in a separate agency, the Bureau of Indian Affairs (BIA) within the Department of Interior.

As described in today's report, the DOJ OIG found that coordination between OJP and BIA was not always effective, resulting in delays in the completion of TJSIP-funded projects, and also in grantees being unable to operate and fully staff grant-funded facilities upon completion of construction. We also determined that OJP's due diligence when making awards and its oversight of TJSIP grantees were inadequate. This led to, among other issues, the construction of excessively large facilities that were not aligned with the tribes' documented needs, the premature funding of construction before adequate planning was completed, and the ineffective use of some TJSIP funds.

The specific findings in the report released today include:

- Coordination deficiencies between OJP and BIA resulted in the construction of three TJSIP-funded correctional facilities that could not be opened, or could only be partially opened, due to construction flaws or due to operations and maintenance funding issues involving BIA. These three facilities, which together cost nearly \$22 million, each remained non-operational or only partially operational for over a decade after the initial awards were made, and for 3 or more years after the TJSIP grants were fully expended.
- Inadequacies existed with OJP's due diligence when making grant awards. This led to OJP awarding approximately \$81 million in TJSIP grants without verifying the grantees' stated needs for the grant funds. As a result, grantees constructed facilities that significantly exceeded planned and approved facility capacities, incarceration needs, or staffing resources. Once completed, some of these facilities were unable to open or

were operated far under their capacity. In one instance, OJP awarded a tribe \$11 million to build a portion of a correctional facility that was intended to generate profit, and where up to 98 percent of the inmates would not be subject to tribal jurisdiction. OJP made this award even though the grant solicitation prohibited using grant funds to earn a profit from housing members of other tribes or non-tribal individuals, and despite BIA's concerns that the tribe was building beyond its capacity.

- Inadequacies also existed with OJP's post-award oversight and management of TJSIP grants. This issue was described in detail in our September 2015 audit report concerning two Navajo Nation facilities, for which project increases costing an additional \$32 million resulted in unopened or partially-opened facilities that were at least 250-percent larger than the stated need. In today's report, we find that OJP could not provide documentation indicating that it was aware of the project increases, or that it had reviewed and approved any amended plans that would have justified the changes in project sizes.
- OJP procures training and technical assistance (T&TA) services for the benefit of TJSIP grantees, but its agreements with T&TA providers do not adequately define the services that these entities are expected to provide. As a result, there exists the potential for overlap between the T&TA services and the services that TJSIP grantees contract for separately. Conflicts of interest can also arise when the same provider serves a TJSIP grantee both as a T&TA provider and also through a direct contract with the grantee. Our report today questions \$842,879 in expenses paid to T&TA providers by TJSIP grantees based on conflict of interest concerns. It also recommends a clarification to OJP's definition of T&TA services that we estimate would have saved the government about \$3 million in 2009 and 2010, could result in a material cost savings in the future, and would help to eliminate some of our conflict of interest concerns.

Today's report makes 12 recommendations to improve OJP's management and oversight over the TJSIP and its coordination with BIA, and to address more than \$11 million in grant expenditures that we questioned as either unallowable or unsupported. OJP agreed with all of the recommendations, although as detailed in an appendix to the report, for some recommendations the OIG does not believe OJP's proposed actions would adequately address our findings.

**Report:** Today's report is available on the OIG's website under "Recent Reports" and at the following link: <https://oig.justice.gov/reports/2017/a1710.pdf>.

**Multimedia:** To accompany today's report, the OIG has released a 3-minute video featuring the Inspector General discussing the report's findings. The video and a downloadable transcript are available at the following link: <https://oig.justice.gov/multimedia/>.

**Related OIG Reports:** This audit was supported in part by the results of five separate OIG audits of TJSIP grantees, the reports of which were issued between December 2014 and

November 2015. These reports are identified in Appendix 1 of today's report and are available on the OIG's website under "[Reports](#)." The questioned costs identified in today's report were not previously identified in our prior reports.