

## Questions for the Record

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**Before the  
Committee on the Judiciary  
United States Senate**

**For a Hearing Entitled  
The Need to Reauthorize the Violence Against Women Act**

**March 20, 2018**

### **QUESTIONS FROM SENATOR GRASSLEY**

1. As the Justice Department Inspector General indicated in a recent audit, grant monitoring activities can potentially delay OVW's "close out" of an expired grant for many years. Pending programmatic or financial monitoring reports, open OIG audits, and open audit recommendations were among the reasons given by OVW for imposing a hold on grant closeouts. Each of these may be an indication of the need for improvement in the recipient's grant management practices.
  - a. What steps, if any, does OVW take to ensure that grantees that have been flagged for monitoring do not receive future grant awards until the hold is removed?

**RESPONSE:** The Office on Violence Against Women (OVW) appreciates the opportunity to discuss its efforts to address the findings and recommendations in the OIG's *Audit of Department of Justice Grant Award Closeout Process* (March 2018). In response to that audit, OVW is undertaking a series of measures to improve the timeliness of grant award closeouts, speed the recovery of funds owed to the federal government, and generally strengthen closeout procedures. Of chief importance, OVW is developing and implementing revised closeout policies and procedures designed to prevent the reoccurrence of past problems with untimely award closeouts. In particular, by FY 2019, OVW has committed to the following actions:

- 1) developing implementing a process for the annual review of awards that are expired, but not closed, and for taking appropriate action on those awards;
- 2) developing and implementing policies and procedures to review balances reported as unobligated by the recipient during the liquidation period, or balances amended by OVW to include unobligated funds, and to deobligate these balances, as appropriate, within a timely manner;

- 3) developing and implementing policies and procedures to ensure that any refunds submitted by the recipient after the award period has ended are deobligated and put to better use;
- 4) developing a process to incorporate review of final award ledgers for a sample of grant awards that are either in the closeout process or that have been closed for 3 years or less;
- 5) developing a process for sharing information with other DOJ grant-making components about grantees with significant issues identified during the closeout process; and
- 6) reviewing existing policies and procedures to identify methods for improving the accuracy of data collected from grantees.

In addition, OVW is remedying the grant funds questioned in the audit: to date, OVW has recovered more than \$8,000,000 identified in the audit. Finally, at OIG's recommendation, OVW has developed a special condition that will be attached to all OVW FY 2018 and later grant awards notifying grant award recipients that grant accounting ledgers are subject to agency review throughout the life of the award, during the closeout process, and for three years after award closure.

As noted in the question, a variety of different factors may result in OVW imposing a hold on closing a grant award. Therefore, the steps that OVW may take regarding future awards depend on the reason for the hold. If OVW suspects fraud, waste, or abuse on the part of the grantee and/or its employees, OVW will refer the matter to the Office of the Inspector General (OIG) and may immediately move to have grant funds frozen and the grantee placed on the DOJ Grantee High Risk List. OVW (and other DOJ grant-making components) subject grantees on DOJ's High Risk List to certain restrictive special conditions, which may include limited access to grant funds; OVW also may exercise its discretion not to make future awards when the Office is concerned about potential criminal activity. In other cases, where OVW suspects a lack of financial management capacity rather than fraud, OVW may conduct an emergency on-site monitoring visit and request a financial monitoring visit to gather additional information prior to making an OIG referral. Furthermore, where grantee performance or non-responsiveness is the issue preventing closure of the award, OVW's policy and practice of pre-award programmatic review would identify the extent of the grantee's performance issues and could result in the grantee not being recommended for an award, or additional special conditions being placed on any award the grantee does receive.

In still other cases, however, the factors delaying close-out may not indicate poor recipient grant management practices and may be outside the grant recipient's control. For example, the grantee may have submitted a response that would close an audit finding but is awaiting acceptance by OVW, the OIG's audit division, or the Office of Justice Programs (OJP) financial monitor. Or, as discovered as a result of the recent OIG Closeout Audit, a glitch in the OJP Grants Management System (GMS) has caused some grant awards to be misidentified as having open audit/monitoring recommendations. (OVW is working with OJP to correct the GMS issue so that we can more accurately identify those grant awards that are ripe for closeout and not leave awards in limbo.) But in these cases, where a

**response is pending from OVW, OIG, or the OJP financial monitor or there has been a system error, OVW does not bar the grantee from receiving future awards because of a hold having been placed on the closeout of an existing award.**

- b. What kind of monitoring activities, if any, does OVW conduct after the end of the grant award period that is not part of the typical grant “close out” process? What triggers these monitoring activities?

**RESPONSE:** After an award has reached the end of its award period, the award is still subject to monitoring by OVW and auditing by the OIG. The award remains part of OVW’s annual grant risk assessment process until it has been fully closed. During this period, the award could be selected for monitoring as a result of the risk assessment. The OVW grant manager could also identify the award for additional programmatic or financial monitoring or recommend it for an OIG audit due to concerns raised when reviewing the final progress report or information received from employees of the grantee, federal or state agencies, or other concerned parties. Even after an award is fully closed, the award can still be randomly selected for monitoring/auditing for up to three years from the date of final closure.

- c. The Inspector General stated in its March 2018 audit report that several DOJ grant recipients with expired grant accounts were no longer operational. Yet monitoring activities were identified as the cause of the delayed closeout. How does OVW monitor grantees that are no longer operational?

**RESPONSE:** OVW does not initiate monitoring activities for grantees that are known to be no longer in existence, but the resolution of audit/monitoring recommendations can be a slow process. There are cases where recipients became unresponsive to OVW contacts and requests for information during that resolution process. In several instances, it was determined that the reason for unresponsiveness was due to the grantee organization no longer being operational. OVW can make that determination only after ascertaining whether the organization has really ceased operations or is simply being unresponsive. This can be a lengthy process. Once it is determined that an organization has gone out of business, the status of the monitoring should be reflected as closed due to the organization’s non-existence. Until the monitoring visit is closed, however, OVW is not able to move forward with the closeout.

2. The Inspector General identified delayed de-obligation of funds refunded by the grant recipient as another cause of delayed closeout for OVW grants.
  - a. Explain how recoupment issues interfere with the grant closeout process?

**RESPONSE:** Once a recipient has completed its part of the closeout process, OVW will conduct a financial reconciliation to ensure that the amount of funds that the grantee has drawn from its award is consistent with the amount of reported expenditures against the award. If the reconciliation concludes that the amounts match, then the award can be closed without delay. However, this reconciliation process often determines that the

grantee has additional funds owed to it under the award or the grantee needs to return funds to OVW. Either circumstance causes delay in the closeout process. OVW cannot fully close an award before this financial reconciliation process is completed, with funds either issued to the grantee or returned from the grantee. This process is intended to ensure that no discrepancy will later be discovered in which a grantee is owed funds, but the grant program that owes the funds no longer has sufficient funds available to pay.

- b. Does OVW have a process for flagging grant recipients that aren't responsive to OVW's resolution actions? What efforts, if any, does OVW make to ensure these grantees cannot receive additional federal grants until the situation is resolved?

**RESPONSE:** The Violence Against Women Reauthorization Act of 2013 (VAWA 2013) prohibits OVW from making awards to grantees with audit findings that are not closed or resolved within 12 months from the date when a final audit report is issued. *See* 34 U.S.C. 12291(b)(16)(A). Since the passage of VAWA 2013, however, OVW has not had a grant recipient that has fallen into this category. OVW includes in all grant awards a special condition that failure to respond to monitoring/auditing findings in a satisfactory and prompt fashion can result in having grant funds frozen. Moreover, if an OIG audit uncovers evidence that undermines OVW's confidence in the grantee's fiscal responsibility, OVW will refer the entity for inclusion on the DOJ High Risk Grantee List.

It should be noted that the vast majority of grantees are responsive to audit recommendations and work closely with OVW to address and close these recommendations. If an organization is cooperative and shows the capacity to address audit recommendations, OVW does not prohibit an organization from seeking additional OVW funding during the audit resolution process. Many OVW grantees are small local law enforcement agencies, victim service organizations, and courts, often from rural communities and may be unfamiliar with the audit resolution process. A lengthy resolution process may indicate a lack of grantee sophistication or resources rather than an inability to manage federal funds.

#### QUESTIONS FROM SENATOR KENNEDY

3. Please outline the metrics that are used to assess the success of programs receiving grant funding under the Violence Against Women Act.

**RESPONSE:** OVW collects extensive numerical and narrative data from its discretionary grantees twice per year, and once per year from formula grantees. Grantees report quantitative information on activities undertaken with VAWA grant funds (see list below), as well as narrative accounts of their accomplishments and areas of remaining need. OVW reviews these reports to determine if project goals are being met and funds are being spent appropriately, and to identify any potential issues with performance and/or compliance.

A comprehensive summary of grantees' reports is provided to Congress every two years, and the most recent report can be found at:

<https://www.justice.gov/ovw/page/file/933886/download>.

4. Please provide a report of the success rates of the programs receiving funding under the Violence Against Women Act since its enactment.

**RESPONSE:** The effectiveness of strategies financed by VAWA has been studied and documented, in part by the National Institute of Justice (NIJ)<sup>1</sup>—the research arm of the Justice Department. NIJ, with input from OVW, supports rigorous studies on the most vexing problems and promising solutions in combatting violence against women.

VAWA grant programs support a broad range of activities that span—and reach well beyond—the criminal and civil justice systems. Just as medical researchers study specific treatments, such as a particular drug or surgical procedure, and attempt to isolate the treatment’s effects from other variables, research on the success of VAWA targets specific strategies, rather than comprehensive grant programs.

As one example, Sexual Assault Nurse Examiner (SANE) programs have been found through NIJ-funded research to enhance the healthcare that victims receive after an assault, improve the quality of forensic evidence, and increase prosecution rates over time.<sup>2</sup> The STOP Formula Grant Program, the largest of four VAWA programs that can fund SANE services, paid the salaries and wages of 34 full-time equivalent forensic nurses in 2016 and supported the provision of nearly 10,000 medical forensic exams during the year. Furthermore, OVW grantees train thousands of forensic nurses each year, ensuring they are equipped to competently and compassionately collect forensic evidence from a victim’s body while tending to her/his medical needs. SANE programs are just one example of an effective approach supported by VAWA grants. More information on the evidence base for VAWA-funded strategies and the extent to which OVW grantees are employing those strategies can be found in OVW’s 2016 report to Congress, at:

<https://www.justice.gov/ovw/page/file/933886/download>.

To further study if and how VAWA-funded strategies help victims rebuild their lives and keep offenders from causing more harm, OVW launched a Research & Evaluation initiative in 2016. By supporting researcher-practitioner partnerships, this initiative strengthens communities’ capacity to assess the effectiveness of VAWA-funded approaches. OVW has made 15 research grants, totaling over \$5.5 million, which are currently evaluating transitional housing models, batterer intervention programming, law enforcement training, and a therapy model for sexual assault victims, among other things.

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<sup>1</sup> For a catalog of NIJ’s violence against women research grantmaking, see NIJ’s Compendium at <https://www.nij.gov/publications/pages/publication-detail.aspx?ncjnumber=223572>.

<sup>2</sup> Campbell, R., Bybee, D., Shaw, J. L., Townsend, S. M., Karim, N., & Markowitz, J. (2014). The impact of sexual assault nurse examiner (SANE) programs on criminal justice case outcomes: A multi-site replication study. *Violence Against Women*, 20, 607-625; Campbell, R., Bybee, D., Ford, J. K., & Patterson, D. (2009). *Systems change analysis of SANE programs: Identifying the mediating mechanisms of criminal justice system impact*. (NCJ 226498). Washington, D.C., National Institute of Justice; Nugent-Borakove, M. E., Fanflik, P., Troutman, D., Johnson, N., Burgess, A., & O’Connor, A. (2006). *Testing the efficacy of SANE/SART programs*. (NCJ 214252). Washington D.C.: National Institute of Justice; and Crandall, C., & Helitzer, D. (2003). *Impact evaluation of a Sexual Assault Nurse Examiner (SANE) program* (NCJ 203276). Washington, D.C.: National Institute of Justice.

*Summary of metrics reported by OVW grantees*

- **Number of full-time equivalent (FTE) staff funded, by profession type**
- **Coordinated community response activities, i.e., types of project partners, frequency of meetings, and referrals made**
- **For grantees using funds for law enforcement: information—by type of victimization—on calls for assistance, incident reports taken, cases investigated, arrests made, orders served, warrants enforced, and cases referred to other agencies; and number of temporary and final protection orders requested and granted**
- **For grantees using funds for prosecution: case referrals received, accepted, declined, and referred to other courts; reasons for declinations, case dispositions, and protection orders**
- **For grantees using funds for victim services: numbers of victims served, by type of victimization; demographic information on victims served, types and quantities of services provided, victim-to-offender relationships, number of victims requesting services who were not served and why they were not served**
- **For grantees using funds for legal assistance and/or transitional housing: number of temporary and final protection orders requested and granted, shelter services provided, number of emergency shelter and transitional housing bed nights, housing units supported with grant funds, other housing assistance provided, and legal issues and legal outcomes in cases in which an OVW-funded attorney assisted**
- **For grantees using funds for courts: quantities and types of criminal cases, dispositions of criminal cases, numbers of civil and criminal protection orders requested and granted, judicial monitoring activities, and dispositions of violations**
- **For grantees using funds for probation and offender monitoring: number of offenders monitored and types and quantities of monitoring activities, and disposition of probation violations**
- **For grantees using funds for supervised visitation and safe exchange: demographic information on families served, number of families not served and why, types of services provided, referral sources, and reasons for terminating services**
- **For grantees using funds for training: training content areas/topics, number of people trained, by profession type; and number of training events held**
- **For grantees using funds to develop policies and products: quantities of those items produced and their subject matter/content**
- **Information on outreach and community education**
- **For grantees using funds for batterer intervention programs (BIPs): number of offenders in program, length of BIP program, and program completion rates**

A document enclosed with this response, *How Does OVW Use Grantee-reported Performance Data?*, identifies and provides examples of the many ways OVW uses the metrics listed above.