

**WEST VIRGINIA LEGISLATURE**  
*Joint Committee on Government and Finance*

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**Memorandum**

To: Mr. Theodore L. Shanklin, CPA, Director  
From: Ethelbert Scott, Jr., Supervisor *ES*  
Date: July 19, 2004  
Subject: Use of Byrne Grant Funds by the West Virginia Prosecuting Attorneys Institute

Per your instructions concerning the use of funds for the Federal Byrne Grants awarded the West Virginia Prosecuting Attorneys Institute, we have summarized the correspondence between our office and the West Virginia Division of Criminal Justice Services (DCJS), and the West Virginia Prosecuting Attorneys Institute (Institute).

A grant agreement was entered into between the West Virginia Division of Criminal Justice Services and the West Virginia Prosecuting Attorneys Institute. The DCJS was the recipient of a Drug and Violent Crime Control Grant from the United States Department of Justice for \$195,000 per year for fiscal years 2003 and 2002. The Institute was the grantee.

The purpose of the grant is for the Institute to provide two assistant prosecutors and one paralegal to support West Virginia prosecutors in all aspects of prosecution of domestic violence, sexual assault and juvenile cases. The grant also provided funds for training criminal justice professionals throughout the state of West Virginia.

We were provided a list of cases that was prepared by the Institute. We also prepared a list of cases from the West Virginia Prosecuting Attorneys Monthly Activity Reports for the period July 1, 2001 through June 30, 2003. The Reports were submitted to the DCJS as support for reimbursement of salaries paid through the Byrne Grant. We were unable to determine the accuracy of either list because of the lack of information provided in the reports.

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In many instances we were unable to determine whether the case involved domestic violence, sexual assault or a juvenile. Some of the cases we noted were first degree murder, second degree murder, felony plea, battery, probation revocation, harassment, animal cruelty, and habeas corpus. We also noted several cases in which there was no indication of the type of case at all.

In letters addressed to you the Institute has admitted taking a liberal interpretation of the Byrne Grant requirements to find ways to provide assistance, upon request, to underfunded and understaffed county prosecutor offices. They also admitted they have participated in cases that were outside of the parameters of the Byrne Grant.

The DCJS also admitted weaknesses in monitoring the Byrne Grant funds provided to the Institute. According to their correspondence to you, they require enough information to make a determination that program activity is taking place. They admit there was an administrative oversight on their part in not demanding specific information or a specific manner of reporting references to determine whether or not the Institute's cases involved domestic violence, sexual assault or juvenile delinquency. The information they accepted from the Institute was not complete, nor did they receive adequate documentation to determine the cases were in compliance with the grant agreement

According to the June 30, 2003 Single Audit of West Virginia, the DCJS awarded subrecipients a total of \$2,529,394 for the Byrne Formula Grant Program and a total of \$565,000 for the Edward Byrne Memorial State and Local Law Enforcement Assistance Discretionary Grants Program in fiscal year 2003. We are concerned that since the DCJS monitored the Institute's grant funds of \$195,000 so loosely, are they monitoring the other funds received from Byrne Grants in the same manner.

We recommend the Institute comply with the parameters set out in the Byrne Grant agreement. We also recommend DCJS require sufficient documentation from the Institute for work performed under the grant.