



**Summary of Investigative Findings and  
Redacted Report of Investigation of Department of Justice  
Grants to the Wisconsin Office of Justice Assistance**

U.S. Department of Justice  
Office of the Inspector General  
September 2014

## **SUMMARY OF INVESTIGATIVE FINDINGS**

In May 2008, the Department of Justice (DOJ) Office of the Inspector General (OIG) initiated an investigation into an allegation that the Wisconsin Office of Justice Assistance (OJA) provided false information in its annual compliance monitoring reports (annual reports) submitted to the DOJ Office of Juvenile Justice and Delinquency Prevention (OJJDP). The reports are required under the Title II, Part B, formula grant program authorized by the Juvenile Justice and Delinquency Prevention (JJDP) Act. An OJJDP employee told the OIG that the OJA Compliance Monitor who submitted the 2005 documentation showing OJA out of compliance for the first time, which resulted in a 20 percent reduction of OJA's funding for 2007, said that OJA had been "cooking the books" for years.

The OIG investigation found that from 2001 to 2004, an OJA Compliance Monitor submitted annual reports showing violation rates that were in compliance with the JJDP Act; however, he told the OIG that he questioned the accuracy of the data; he did not verify the juvenile arrest data because he did not know how to interpret the data contained in the arrest logs; and he "made up" the numbers he reported in the annual reports so that OJA could continue to receive the grant funds.

The investigation also found that from 2001 to 2006, OJA submitted annual reports containing information about the number of facilities that were physically inspected that was inaccurate. OJA Compliance Monitors told the OIG that the inspection figures were inaccurate because the facilities had not been physically inspected by OJA personnel. OJA simply reported the number of facilities that had been inspected by the Wisconsin Department of Corrections (DOC). A DOC official told the OIG that the DOC inspections were conducted to monitor compliance with state law, not federal regulations, and therefore, the inspectors did not actively look for JJDP Act violations. Moreover, the DOC did not inform OJA of its inspection results.

The OIG also found that from 2001 to 2008, OJA did not have an adequate compliance monitoring system because OJA did not monitor detention facilities at police departments. In its annual reports for those years, OJA reported the total number of public and private secure detention and correctional facilities to be between 155 and 170 facilities. An OJJDP official told the OIG that OJJDP regulations required that a state's compliance monitoring universe include all secured and non-secured facilities, any facility that had the capability of securing a juvenile, and any facility that utilized a key fob to exit the building or had the physical presence of handcuffing rings. The OJA Justice Program Director told the OIG that Wisconsin had over 600 police departments, but he disagreed with OJJDP that those facilities were required to be included in the monitoring universe.

The OIG toured police departments in Wisconsin that were not inspected by the DOC and found several facilities that contained secured booking areas, handcuffing benches, and rooms with locks to detain individuals for questioning. The OIG found no evidence that the police departments visited by the OIG were included in OJA's monitoring universe; therefore, any violations that might have occurred at those facilities would not have been reported in the annual reports submitted to the OJJDP. Moreover, in March 2011, a Compliance Monitor hired by OJJDP to provide technical assistance training to Wisconsin OJA personnel issued a report at the conclusion of the training expressing concerns about the number of police department facilities that OJA had not classified for the purpose of compliance monitoring.

An OJJDP official told the OIG that Wisconsin's grant funding in 2007 was reduced due to its 2005 annual report showing that it was out of compliance with its requirements under the JJDP Act. No other action was taken against Wisconsin OJA. The OIG found that Wisconsin continues to receive full funding under the Title II, Part B, formula grant program authorized by the JJDP Act and that as a result of an OJJDP audit and technical assistance training, OJJDP expects Wisconsin's 2014 annual report to show an expanded monitoring universe.

The case was declined for both criminal and civil prosecution.

SUBJECT [REDACTED] State of Wisconsin Office of Justice Assistance Madison, Wisconsin		CASE NUMBER 2008-005167
OFFICE CONDUCTING INVESTIGATION Chicago Field Office	DOJ COMPONENT Office of Justice Programs	
DISTRIBUTION	STATUS	
<input checked="" type="checkbox"/> Field Office CFO	<input type="checkbox"/> OPEN	<input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED
<input checked="" type="checkbox"/> AIGINV HQ	PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input checked="" type="checkbox"/> Component OJP	Date of Previous Report:	
<input type="checkbox"/> USA		
<input type="checkbox"/> Other		

**SYNOPSIS**

This investigation was initiated upon receipt of information on April 21, 2008, from an employee of the U.S. Department of Justice (DOJ) Office of Juvenile Justice and Delinquency Prevention (OJJDP), alleging that the State of Wisconsin potentially submitted false information in its annual compliance reports submitted to DOJ. The reports are required under the Title II, Part B, formula grant program authorized by the Juvenile Justice and Delinquency Prevention (JJDP) Act. An OJJDP employee told the Office of the Inspector General (OIG) that prior to 2005, the Wisconsin Office of Justice Assistance (OJA) submitted reports indicating it was in compliance with grant requirements, but its 2005 documentation showed it was not in compliance. As a result, Wisconsin OJA grant funding was reduced by 20 percent. According to the OJJDP employee, Wisconsin OJA [REDACTED] and submitted the 2005 documentation that placed Wisconsin OJA out of compliance, said that Wisconsin OJA had been "cooking the books" for years.

The OIG investigation found that from 2001 to 2004, [REDACTED] OJA [REDACTED] submitted annual compliance monitoring reports to the OJJDP that reported violation rates that were in compliance with the JJDP Act. [REDACTED] told the OIG that when he was the compliance monitor, Wisconsin OJA used a computer system called the Juvenile Secure Detention Register (JSDR) to assist in determining and reporting violations of the JJDP Act. According to [REDACTED] the JSDR did not contain complete data from the reporting facilities, and he had questioned the accuracy of the data. [REDACTED] admitted that he reported numbers in the annual compliance reports that were "made up" so that Wisconsin OJA could receive Title II, Part B, formula grant funds. [REDACTED] further admitted that he did not verify the juvenile arrest data that the facilities (buildings where juveniles were securely detained) reported to the Wisconsin OJA during onsite inspections because he did not know how to interpret the data contained in the arrest logs.

DATE	January 22, 2014	SIGNATURE	[REDACTED]
PREPARED BY SPECIAL AGENT			
DATE	January 22, 2014	SIGNATURE	<i>John F. Oleskiewicz</i>
APPROVED BY SPECIAL AGENT IN CHARGE		John F. Oleskiewicz	

From 2001 to 2006, Wisconsin OJA submitted annual compliance monitoring reports that documented the number of facilities that were onsite inspected. In each of years 2001, 2002, and 2003, ██████ reported that 77 facilities had undergone onsite inspections. In 2005 and 2006, ██████ reported 165 and 155, respectively, facilities had undergone onsite inspections. Both ██████ and ██████ told to the OIG that the figures were inaccurate because the facilities had not been physically inspected by OJA personnel, and both ██████ and ██████ merely reported the number of facilities that had been inspected by the Wisconsin Department of Corrections (DOC). The Wisconsin DOC Office of Detention Facilities Director ██████ told the OIG that the Wisconsin DOC had inspected the facilities that Wisconsin OJA referenced in the compliance monitoring reports but that the Wisconsin DOC conducted the inspections in accordance with state law and not federal regulations and, therefore, did not actively look for JJDP Act violations during its inspections. Additionally, ██████ told the OIG that the Wisconsin DOC did not turn over to or inform Wisconsin OJA of the DOC inspection results.

The OIG also found that from 2001 to 2008, OJA did not have an adequate compliance monitoring system. From 2001 to 2008, in its compliance monitoring reports, Wisconsin OJA reported the total number of public and private secure detention and correctional facilities to be between 155 and 170 facilities. OJJDP Associate Administrator ██████ told the OIG that OJJDP regulations required that states identify their compliance monitoring universe, including all secured and non-secured facilities. According to ██████ this included any facility that had the capability of securing a juvenile, including facilities that utilized a key fob to exit the building or the physical presence of handcuffing rings. Wisconsin OJA Justice Program Director ██████ told the OIG that Wisconsin had over 600 police departments, and ██████ said he disagreed with OJJDP that those facilities were to be included in Wisconsin's monitoring universe.

The OIG toured police departments in the State of Wisconsin that were not inspected by Wisconsin DOC and found several facilities that contained secured booking areas, handcuffing benches, and rooms with locks to detain individuals for questioning. The OIG found no evidence that the police departments identified by the OIG were included in Wisconsin OJA's monitoring universe; therefore, any violations that might have occurred at those facilities would not have been reported in the annual compliance monitoring reports submitted to the OJJDP.

In March 2011, OJJDP provided technical assistance training to Wisconsin OJA personnel. The training was provided by ██████. At the conclusion of the training, ██████ issued a report and expressed concern over the number of police department facilities that Wisconsin OJA had not classified for the purpose of compliance monitoring.

OJJDP's ██████ told the OIG that other than reducing Wisconsin's grant funding in 2007 for being out of compliance regarding the 2005 compliance monitoring report, no other actions were taken against Wisconsin OJA.

The OIG found that Wisconsin continues to receive full funding under the Title II, Part B, formula grant program authorized by the JJDP Act and that as a result of an OJJDP audit and technical assistance training, OJJDP expects Wisconsin's next compliance monitoring report that is due by June 30, 2014, to indicate an

expanded monitoring universe. If not, [REDACTED] stated OJJDP would likely restrict their drawdown of grant funds.

This case was presented to the U.S. Attorney's Office for the Northern District of Iowa upon recusal of the U.S. Attorney's Offices in Wisconsin. After a lengthy investigation and review by that office, the matter was declined for criminal prosecution. The DOJ Civil Division subsequently declined civil prosecution after a lengthy period of review and deliberation.

The OIG has completed its investigation and is providing this report to the Office of Justice Programs for its review and appropriate action.

## DETAILS OF INVESTIGATION

### Predication

This investigation was initiated upon receipt of information on April 21, 2008, from an employee of the U.S. Department of Justice (DOJ) Office of Juvenile Justice and Delinquency Prevention (OJJDP), alleging that the State of Wisconsin potentially submitted false information in annual compliance reports submitted to DOJ. The reports are required under the Title II, Part B, formula grant program authorized by the Juvenile Justice and Delinquency Prevention (JJDP) Act. The OJJDP employee told the Office of the Inspector General (OIG) that prior to 2005, the Wisconsin Office of Justice Assistance (OJA) submitted reports that indicated it was in compliance with grant requirements, but its 2005 documentation showed it was not in compliance. As a result, the grant funding was reduced by 20 percent. According to the OJJDP employee, Wisconsin OJA [REDACTED] and submitted the 2005 documentation, said that Wisconsin OJA had been "cooking the books" for years.

### Investigative Process

The OIG investigation included the following:

- proffer and follow-up interviews of former Wisconsin OJA [REDACTED];
- interview of Wisconsin OJA Justice Programs Director [REDACTED];
- interview of Wisconsin OJA Deputy Executive Director [REDACTED];
- interview of Wisconsin OJA Executive Director [REDACTED];
- interviews of Wisconsin OJA Director of Justice Improvement Programs [REDACTED];
- review of subpoenaed documents and e-mails from OJA;
- interview of former Wisconsin OJA employee [REDACTED];
- interview of former Wisconsin OJA [REDACTED];
- interview and proffer of former OJA [REDACTED];
- interview of OJJDP State Representative [REDACTED];
- interviews of OJJDP Associate Deputy Administrator [REDACTED];
- interviews of OJJDP [REDACTED];
- interview of OJJDP [REDACTED];
- interview of OJJDP Acting Administrator [REDACTED];
- tour of the Janesville, Wisconsin, Police Department booking area;
- interview of [REDACTED];
- interviews of Wisconsin Department of Corrections (DOC) Office of Detention Facilities Director [REDACTED];
- interview of Wisconsin DOC Inspector [REDACTED];
- interview of Whitefish Bay, Wisconsin, Police Department management;
- tour of various police departments in the State of Wisconsin; and

- review of the OJJDP Technical Assistance Final Report regarding OJA.

## **Background**

From 2001 to 2008, Wisconsin OJA received Title II, Part B, formula grant funds authorized under the JJDP Act. OJJDP required recipients of the grant funds to provide annual compliance monitoring reports to verify the state was in compliance with the provisions of the grant. The compliance reports submitted by [REDACTED] from 2001 to 2004 reported that Wisconsin OJA was in compliance, but in 2005, [REDACTED] submitted a compliance report that showed that the state was out of compliance in the area of “deinstitutionalization of status offenders” (one of four “core requirements”), and OJJDP reduced Wisconsin’s funding by 20 percent.

## **Submission to OJJDP of False Data Related to the Four Core Requirements**

From 2000 to 2004, [REDACTED] submitted compliance monitoring reports to OJJDP that indicated Wisconsin OJA was in compliance with the four core requirements of the JJDP Act:

- deinstitutionalization of status offenders (DSO);
- separation of juveniles from adults in institutions;
- removal of juveniles from adult jails and lockups; and
- reduction of disproportionate minority contact (DMC).

During [REDACTED] first interview with the OIG, he stated that during his tenure as compliance monitor, he entered “made up” numbers on the annual compliance monitoring report to document that Wisconsin was in compliance with the four core requirements. According to [REDACTED] he used the Juvenile Secure Detention Register (JSDR) to calculate compliance data, but he knew that the JSDR was not obtaining complete data from the reporting facilities and, therefore, that the data was not accurate. [REDACTED] told the OIG that he was afraid to submit numbers that showed Wisconsin was out of compliance because Wisconsin OJA would lose grant money and potentially affect his employment. According to [REDACTED] Wisconsin OJA should have informed the compliance monitors that:

- it is acceptable if Wisconsin is out of compliance with the core requirements, and
- the compliance monitor who provided the annual compliance monitoring data would not lose his or her job if Wisconsin was out of compliance.

[REDACTED] denied that anyone at Wisconsin OJA instructed him to falsify the annual compliance monitoring reports and acknowledged that he knew it was illegal to supply false information to the federal government.

During a subsequent proffer session, [REDACTED] recanted his statement that he “made up” numbers. According to [REDACTED] the OIG did not misrepresent the information he initially reported, but rather, he believed he did not accurately state the information he meant to convey. [REDACTED] stated he should have explained that he made estimates or projections for the annual compliance monitoring reports because he did not have all the necessary

data to complete the report. ██████ told the OIG he received telephone calls from Wisconsin DOC inspectors in which the inspectors told him of sight and sound separation violations but that he could not recall why he reported zero sight and sound violations in the annual compliance monitoring report he submitted to OJJDP.

██████████ told the OIG that during the time ██████ was the compliance monitor, the JSDR was grossly deficient. She determined that the JSDR was underreporting juvenile statistics in Milwaukee, Wisconsin, and failed to indicate detention violations. According to ██████, it would have been necessary for ██████ to call the detention centers directly to obtain juvenile statistics because the JSDR was so inaccurate. ██████ stated that in 2003 and 2004, she reviewed the compliance monitoring reports that were submitted to OJJDP and learned that several detention centers were listed as having zero violations regarding juvenile detainees. According to ██████, that was clearly wrong. In August 2004, ██████ prepared a document entitled "Compliance Summary" that highlighted several problems with the JSDR and advised that the JSDR was not a "functional way to measure compliance."

### **Reported Inspections of Facilities by Wisconsin OJA**

From 2001 to 2006, Wisconsin OJA submitted annual compliance monitoring reports that documented the number of facilities that had allegedly undergone onsite inspections in accordance with the JJDP Act. ██████ reported that for each of years 2001, 2002, and 2003, 77 facilities were physically inspected. In 2005 and 2006, ██████ reported 165 and 155, respectively, facilities had been inspected.

█████ admitted to the OIG that he did not inspect the facilities that were documented on the annual compliance monitoring report and that he reported the numbers he did because he knew that the Wisconsin DOC would have inspected those facilities. He acknowledged that he never received any inspection reports from the Wisconsin DOC. ██████ advised the OIG that he visited the juvenile detention facilities and attended OJJDP sponsored training that discussed the importance of reviewing the booking logs to verify the data the facilities reported but acknowledged he did not know how to interpret the juvenile booking logs and, therefore, did not verify the data the facilities reported during his onsite inspections. ██████ visited some jails and lockups but looked only for sight and sound separation violations.

██████████ told the OIG that when he visited several county juvenile detention centers, the facilities indicated that neither ██████ nor other Wisconsin OJA officials had previously visited and that they were shocked that he was there to inspect the facility for violations of the JJDP Act. ██████████ acknowledged that Wisconsin OJA did not inspect 100 percent of the facilities that he reported on the annual compliance monitoring report that he submitted to OJJDP, and he explained that Wisconsin OJA Director of Justice Improvement Programs ██████ ordered Wisconsin OJA staff to count the Wisconsin DOC inspections as Wisconsin OJA inspections and include those in the number of inspections reported.

Wisconsin DOC Office of Detention Facilities Director ██████████ told the OIG that the DOC did inspect the facilities that Wisconsin OJA referenced in the compliance monitoring reports but that the DOC inspected for compliance with Wisconsin state law and not federal regulations. According to ██████████, Wisconsin OJA wanted Wisconsin DOC inspectors to inspect for compliance with the JJPD Act, but he and his supervisors did

not believe it was their job to conduct inspections for Wisconsin OJA. ██████ reviewed Wisconsin OJA's compliance monitoring reports from 2001 to 2005 and advised that no formal process existed for Wisconsin DOC to report violations of the JJDP Act to Wisconsin OJA. ██████ reviewed statements contained in Wisconsin OJA's 2006 compliance monitoring report that indicated that Wisconsin DOC collaborated with Wisconsin OJA in fulfilling the onsite inspection requirements of the JJDP Act but could not confirm how such collaboration had been accomplished. ██████ advised the OIG that the statements relating to Wisconsin DOC's involvement were not cleared with his office and that the Wisconsin DOC typically did not provide its inspection results to Wisconsin OJA.

Wisconsin DOC Inspector ██████ told the OIG that he inspected facilities in Milwaukee, Wisconsin, and southeast Wisconsin for compliance with directives of the Wisconsin state code that included some matters that may also have been regulated by OJJDP guidelines. ██████ told the OIG that he never sent copies of his inspection reports to the Wisconsin OJA and that he had no recollection of Wisconsin DOC ever collaborating with the Wisconsin OJA to perform inspections of detention facilities within the state.

### **Inadequate Compliance Monitoring System**

OJJDP Associate Administrator ██████ told the OIG that OJJDP regulations required that states identify their compliance monitoring universe, which was to include all secured and non-secured facilities. According to ██████ this included any facility that had the capability of securing a juvenile, including facilities that utilized a key fob to exit the building or the physical presence of handcuffing rings. ██████ stated that in order for a state to conduct adequate compliance monitoring, the state should identify all facilities, properly classify the facilities, conduct onsite inspections, and verify the data submitted by the facilities.

From 2001 to 2008, Wisconsin OJA reported in its compliance monitoring reports that the total number of public and private secure detention and correctional facilities was between 155 and 170. Wisconsin OJA Justice Program Director ██████ told the OIG that Wisconsin had over 600 police departments, and ██████ said he disagreed with OJJDP that those facilities were to be included in Wisconsin's monitoring universe.

██████ told the OIG that it was his understanding that Wisconsin OJA utilized the Wisconsin DOC monitoring universe for the reporting required in the JJDP Act, and he said that he told Wisconsin OJA officials that the Wisconsin DOC monitoring universe did not sufficiently cover Wisconsin OJA's required monitoring universe.

The OIG reviewed several e-mails from ██████ regarding Wisconsin OJA's compliance monitoring. In an e-mail dated July 17, 2007, ██████ mentioned that:

- Wisconsin OJA relied on Wisconsin DOC inspectors to conduct a significant portion of the monitoring;
- there was no monitoring of the police stations; and
- ██████ assured her that if Wisconsin OJA spent all available funds to visit and monitor the 600 plus police agencies, it this activity would find enough violations on all core requirements, meaning that

Wisconsin OJA would not receive the grant funds.

The OIG toured several police departments in the State of Wisconsin that were not inspected by Wisconsin DOC and found several facilities that contained secured booking areas, handcuffing benches, and rooms with locks to detain individuals for questioning. The OIG found no evidence that the facilities were included in Wisconsin OJA's monitoring universe; therefore, any violations that may have occurred at those facilities would not have been reported in the annual compliance monitoring reports submitted to OJJDP.

In June 2010, OJJDP conducted an audit of Wisconsin OJA that led to compliance training. One of the findings of the audit was that Wisconsin OJA was weak in its identification and classification of its facilities. In March 2011, OJJDP provided technical assistance training to Wisconsin OJA. The training was provided by [REDACTED]. At the conclusion of the training, [REDACTED] issued a report and expressed concern over the number of police department facilities that Wisconsin OJA had not classified for the purpose of compliance monitoring. OJJDP's [REDACTED] told the OIG that due to the reorganization of personnel and responsibilities within OJJDP, Wisconsin OJA did not get a copy of the June 2010 audit until late 2011 or early 2012. In May 2012, Wisconsin's response letter acknowledged the weakness in its identification and classification of its facilities. [REDACTED] stated that OJJDP fully expected to see an expanded number of facilities reported in Wisconsin's next compliance monitoring report. If Wisconsin does not expand the monitoring universe, [REDACTED] expects that OJJDP will restrict Wisconsin's drawdown of grant funds.

[REDACTED] told the OIG that other than reducing Wisconsin's grant funding in 2007, no other actions were taken against Wisconsin OJA. [REDACTED] stated that OJJDP did not want to take any action against Wisconsin OJA that could have potentially interfered with an ongoing OIG investigation.

### **Status of Wisconsin's Grant**

According to [REDACTED] the compliance function in Wisconsin was reassigned to the Wisconsin Department of Justice Division of Law Enforcement Services and that the state is currently receiving full grant funding.

### **Declination of Prosecution**

The U.S. Attorney's Offices in Wisconsin were recused from involvement in this matter. The OIG presented the case to the recusal district, the United States Attorney's Office for the Northern District of Iowa, which after a lengthy period of investigation and review, declined criminal prosecution in this matter. Civil prosecution in this matter was declined by the DOJ Civil Division, also after a lengthy period of review and deliberation.

### **Conclusion**

The OIG determined that [REDACTED] did not have adequate information to accurately complete the annual compliance monitoring report that was submitted to OJJDP. [REDACTED] admitted that he submitted numbers that he knew were not accurate and that falsely indicated that the State of Wisconsin was in compliance with the OJJP Act.

The OIG determined that Wisconsin OJA did not inspect the number of facilities that were indicated on the annual compliance monitoring reports. The OIG found that Wisconsin OJA reports included facilities that were inspected by the Wisconsin DOC but that the Wisconsin DOC inspected facilities for compliance with state law and not the JJDP Act and did not provide Wisconsin OJA with the inspection results.

The OIG determined that Wisconsin OJA did not have an adequate monitoring system and did not accurately define its monitoring universe. Wisconsin OJA included only facilities that were authorized by the Wisconsin DOC to hold juveniles and did not include over 600 police departments that should have been included

The OIG has completed its investigation and is providing this report to OJP for its review and appropriate action.