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WASHINGTON, D.C. 20548

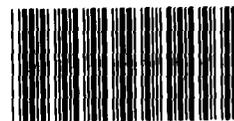
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GENERAL GOVERNMENT
DIVISION

B-202245

NOVEMBER 16, 1983

The Honorable Ike F. Andrews
Chairman, Subcommittee on
Human Resources
Committee on Education and
Labor
House of Representatives



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Dear Mr. Chairman:

Subject: The Proposed Missing Children And Serial Murder
Tracking Program Is Not Eligible For Juvenile
Justice And Delinquency Prevention Act Special
Emphasis Funds (GAO/GGD-84-7)

This letter is one of a series which will address the concerns in your April 29, 1983, request, about the manner in which the Office of Juvenile Justice and Delinquency Prevention is implementing the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.). In response to one of your concerns, we have reviewed the Office's proposal to fund a Missing Children and Serial Murder Tracking Program. You asked us to determine whether this proposed program is eligible for funding under the act's Special Emphasis Prevention and Treatment Programs authorized by Title II, part B, subpart II, and if the program meets congressional intent.

To make this determination, we studied the act and its amendments and legislative history to determine what programs could be funded and what programs the Congress intended the act to fund. We also reviewed the legal opinion prepared by the Office of Justice Assistance, Research, and Statistics' General Counsel ¹ on whether the proposed program was eligible for special emphasis funds. Our work was performed at the Office of Juvenile Justice and Delinquency Prevention in Washington, D.C., and was done in accordance with generally accepted government auditing standards.

We have determined that the proposed program is not eligible for special emphasis funding because the Office has not demonstrated a direct connection between the program's

¹The Office of Justice Assistance, Research, and Statistics' General Counsel provides legal advice to the Office of Juvenile Justice and Delinquency Prevention pursuant to the Juvenile Justice and Delinquency Prevention Act.

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primary purposes and the prevention of juvenile delinquency. However, certain secondary program elements dealing with research relating to child exploitation are eligible for funding under another section of the act. The Office does not plan to use special emphasis funds for the Missing Children and Serial Murder Tracking Program, but has approved a related research project funded by the National Institute of Justice and the National Institute for Juvenile Justice and Delinquency Prevention.

MISSING CHILDREN AND SERIAL
MURDER TRACKING PROGRAM IS NOT
ELIGIBLE FOR SPECIAL EMPHASIS FUNDING

Section 224 of the act sets forth the activities for which special emphasis program funds may be used. A program is eligible for special emphasis funding if there is a direct connection between the purposes of the program and an activity authorized under Section 224. Fundable programs are those with the objective of developing, implementing, and improving methods to prevent or control juvenile delinquency or which improve the juvenile justice system. These objectives can be achieved through various activities involving diversion, treatment, rehabilitation, education, training, and research.

The legislative history of the act reiterates the statutory language and does not elaborate on specific activities for which special emphasis funds may be used.

The primary goal of the proposed Missing Children and Serial Murder Tracking Program is to prevent serial murders of abducted juveniles and adults (those in which one person commits multiple murders). The program proposes to accomplish this goal by developing a model for a national computerized system to identify and locate missing and abducted persons and victims of serial murders. As planned, this \$9 million, 4-year program would involve 1 agency acting as a central operating unit for 40 satellite agencies around the country. The satellite agencies would work with the central agency to establish national information collection guidelines and a multijurisdictional investigative assistance network.

According to the proposal, the program will also help prevent delinquent activity by juveniles who are involved with criminals who victimize both adults and juveniles. The connection between this program and the prevention of juvenile delinquency is based primarily on secondary program elements concerning research on preventing child exploitation. The

proposal states that, in addition to the above tracking system, the program will include

"furthering research and educational programs and information on child exploitation and victimization by medical health, law enforcement and prosecutorial personnel; providing direction and plans for supportive technical assistance to State and local advisory groups on prevention programs that identify juvenile victims and potential victims; and providing impetus for training aids and films to be generated for juvenile investigators to increase their awareness and proficiency to deal with child abduction, exploitation and resulting delinquency in their jurisdictions."

The Administrator, Office of Juvenile Justice and Delinquency Prevention, approved the proposed program in March 1983; however, funding was deferred pending a legal opinion on the program's eligibility for special emphasis funds.

In a May 1983 memorandum to the Administrator, the Department of Justice's Office of Justice Assistance, Research, and Statistics' General Counsel concluded that the program, as originally proposed, was not eligible for special emphasis funding because it had no ascertainable relationship with preventing or controlling juvenile delinquency. This conclusion was based on the fact that the proposed program relates principally to more effective police apprehension techniques and the act does not authorize such programs even when their purpose is to protect juveniles from victimization.

The memorandum also pointed out, however, that secondary program elements concerning research on child exploitation and its relationship to juvenile delinquency are eligible for funding by the National Institute for Juvenile Justice and Delinquency Prevention under part C of the act.

We agree with the General Counsel's opinion that the proposed Missing Children and Serial Murder Tracking Program is not eligible for special emphasis funding under Title II, part B, subpart II of the Juvenile Justice and Delinquency Prevention Act. The proposed program does not demonstrate that there is a direct connection between the apprehension of criminals involved in serial murders and the prevention of juvenile delinquency. We also agree that the secondary program elements dealing with research relating to child exploitation and its relationship to juvenile delinquency are eligible for funding under part C of the act.

AGENCY ACTION AND COMMENTS

In commenting on our draft report the Department of Justice agreed that the Missing Children and Serial Murder Tracking Program is not eligible for special emphasis funding, and that certain secondary program elements dealing with research relating to child exploitation are eligible for funding under another section of the act.

The Department also stated that the Administrator, Office of Juvenile Justice and Delinquency Prevention, subsequently approved funding for a research project designed to explore the linkage between child abuse and exploitation and juvenile delinquency and to lay the groundwork for an operational serial murder tracking and apprehension program. This project is being funded by the National Institute for Juvenile Justice and Delinquency Prevention and the National Institute of Justice.

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We would be pleased to meet with you or your staff if you desire any additional information on this matter. As arranged with your office, we are sending copies of this report to the Attorney General and the Administrator, Office of Juvenile Justice and Delinquency Prevention. Copies will also be sent to other interested parties who request them.

Sincerely yours,



William J. Anderson
Director