



# BJA Bureau of Justice Assistance Fact Sheet

Nancy E. Gist, Director

## Edward Byrne Memorial State and Local Law Enforcement Assistance

### Fiscal Year 1998

Through the Edward Byrne Memorial State and Local Law Enforcement Assistance Program (the Byrne Program), the Bureau of Justice Assistance (BJA) provides leadership and guidance on crime and violence prevention and control and works in partnership with State and local governments to make communities safe and improve criminal justice systems. BJA develops and tests new approaches in criminal justice and crime control and encourages replication of effective programs and practices by State and local criminal justice agencies. The Byrne Program, created by the Anti-Drug Abuse Act of 1988 (Public Law 100-690), emphasizes controlling violent and drug-related crime and serious offenders and fosters multijurisdictional and multi-State efforts to support national drug-control priorities.

BJA makes Byrne Program funds available through two types of grant programs: discretionary and formula. Discretionary funds are awarded directly to public and private agencies and private nonprofit organizations; formula funds are awarded to the States, which then make subawards to State and local units of government.

### Discretionary Grant Program

**Program purposes.** The Byrne Discretionary Grant Program focuses on the following crime and violence prevention and control activities:

- Undertaking educational and training programs for criminal justice personnel.
- Providing technical assistance to State and local units of government.

- Promoting projects that are national or multijurisdictional in scope.
- Demonstrating programs that, in view of previous research or experience, are likely to be successful in more than one jurisdiction.

**Funding.** In fiscal year (FY) 1998, \$46.5 million was appropriated for the Byrne Discretionary Grant Program.

**Eligibility.** Public and private agencies and private nonprofit organizations are generally eligible to apply for and receive funds under this program.

**Matching requirements.** Grants and contracts may be awarded for up to 100 percent of the cost of an approved project. The Federal share for subsequent awards of projects funded after FY 1994 will decrease by at least 25 percent. This policy reflects BJA's intent to promote leveraging of State, local, and private resources and to emphasize the need for early sustainment planning.

**Program priorities.** During FY 1998, BJA will focus on programs that implement comprehensive approaches to crime; stimulate partnerships among public agencies, private organizations, and communities; and address unmet needs in the delivery of criminal justice services. Most funds appropriated for discretionary grants will be awarded to continue initiatives started in previous fiscal years or to support those efforts designated by Congress.

BJA is seeking new initiatives through several competitive programs. An open solicitation has been announced to request the submission of innovative concepts and practices in issues related to community justice, law enforcement, adjudication, rural communities, indigent defense, and nontraditional uses of resources to

enhance public safety. State and local governments will be encouraged to submit concept papers on individual topics within these general areas. A second, more limited solicitation seeks applications to strengthen State and local evaluation efforts through partnerships among State administrative agencies. Panels of experts will review concept papers or applications for each competitive program. Funding decisions will be made by the Director of BJA.

## Formula Grant Program

**Program purposes.** The Byrne Formula Grant Program is a partnership among Federal, State, and local governments to create safer communities and improved criminal justice systems. BJA is authorized to award grants to States for use by States and units of local government to improve the functioning of the criminal justice system, with emphasis on violent crime and serious offenders, and to enforce State and local laws that establish offenses similar to those in the Federal Controlled Substances Act. Grants may be used to provide personnel, equipment, training, technical assistance, and information systems for more widespread apprehension, prosecution, adjudication, detention, and rehabilitation of offenders who violate such State and local laws. Grants also may be used to provide assistance (other than compensation) to victims of these offenders. There are 26 legislatively authorized purpose areas (outlined in the next section) for which formula grant assistance may be provided.

**Funding.** In FY 1998, \$505 million was appropriated for the Byrne Formula Grant Program. From this allocation, each State receives a base amount of 0.25 percent of the total allocation. Remaining funds are allocated according to each State's relative share of the U.S. population. (See "Formula Grant Program Allocation of Funds.") In addition, Congress has added \$25 million to fund State programs related to the President's Federal drug-testing initiative. Although not mandated to do so, States are strongly encouraged to consider using Byrne Program funds for programs that support this initiative.

**Eligibility.** The 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands are eligible to apply for formula grant funds. For the purposes of this program, references to "State" include all of these eligible entities.

**State office.** The chief executive of each participating State designates a State office to administer the State's Byrne Program and to coordinate the distribution of

funds with State agencies receiving Federal funds for drug abuse education, prevention, treatment, and research activities and programs. An office or agency performing other functions within the State's executive branch may be the designated State office.

**Statewide strategy.** Each State is required to develop a statewide strategy to improve its functioning of the criminal justice system, with an emphasis on drug trafficking, violent crime, and serious offenders. The strategy should be prepared after consultation with State and local officials, particularly those whose duty it is to enforce drug and criminal laws and to direct the administration of justice, and made available to the public for comment.

**Administrative funds.** Up to 10 percent of formula grant funds allocated to a State may be used to pay for costs incurred in administering the formula grant program.

**Matching requirements.** At least 25 percent of the cost of a program or project funded with a formula grant must be paid in cash with non-Federal funds. These "match" funds must be in addition to funds that would otherwise be made available by the recipient for law enforcement. Match funds are generally provided on a project-by-project basis, although BJA can approve a statewide match option.

**Passthrough.** The minimum passthrough amount for each State is based on the percentage of funds expended for criminal justice purposes by units of local government relative to total State and local criminal justice expenditures in the State. These expenditures must be funded by State and local revenue sources, e.g., taxes, charges and fees, utility revenue, and interest earnings. This requirement applies only to the 50 States. The District of Columbia, because of its designation as a local unit of government, is required to pass through 100 percent. The Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands have no passthrough requirement due to their single-level government structures.

**Funding priority.** In distributing funds, States are to give priority to jurisdictions with the greatest need for assistance with criminal justice programs.

**Congressional mandates.** States are required to comply with the following congressional mandates:

- ❑ **Criminal Justice Records Improvement Plan.** States must use at least 5 percent of their formula grant awards for the improvement of criminal justice records.

## Formula Grant Program Allocation of Funds

State	FY 1998 Allocation	Percentage To Be Passed Through to Local Jurisdictions	State	FY 1998 Allocation	Percentage To Be Passed Through to Local Jurisdictions
Alabama	8,160,000	50.95	New Jersey	14,156,000	57.67
Alaska	2,242,000	21.97	New Mexico	4,028,000	42.23
Arizona	8,410,000	61.04	New York	30,614,000	63.29
Arkansas	5,313,000	54.87	North Carolina	13,082,000	41.36
California	52,716,000	63.15	North Dakota	2,301,000	56.16
Colorado	7,433,000	58.82	Ohio	19,296,000	64.42
Connecticut	6,547,000	36.96	Oklahoma	6,590,000	45.41
Delaware	2,432,000	26.87	Oregon	6,434,000	46.98
District of Columbia	2,139,000	100.00	Pennsylvania	20,722,000	64.83
Florida	24,505,000	61.56	Rhode Island	2,861,000	41.76
Georgia	13,131,000	53.39	South Carolina	7,233,000	42.53
Hawaii	3,173,000	46.45	South Dakota	2,445,000	47.16
Idaho	3,182,000	52.41	Tennessee	9,849,000	48.78
Illinois	20,384,000	64.51	Texas	32,137,000	65.60
Indiana	10,690,000	56.78	Utah	4,491,000	49.76
Iowa	5,865,000	40.79	Vermont	2,213,000	25.11
Kansas	5,414,000	47.49	Virginia	12,037,000	30.04
Kentucky	7,531,000	32.30	Washington	10,193,000	60.25
Louisiana	8,285,000	51.92	West Virginia	4,209,000	47.93
Maine	3,269,000	41.59	Wisconsin	9,591,000	61.98
Maryland	9,448,000	44.47	Wyoming	2,040,000	54.95
Massachusetts	11,096,000	36.64	Puerto Rico	7,368,000	0
Michigan	16,748,000	53.10	Virgin Islands	1,427,000	0
Minnesota	8,780,000	70.29	Guam	1,477,000	0
Mississippi	5,646,800	52.52	American Samoa/ N. Mariana Islands	1,408,000*	0
Missouri	9,912,000	58.22			
Montana	2,682,000	58.56			
Nebraska	3,929,000	60.36			
Nevada	3,850,000	62.01			
New Hampshire	3,139,000	51.46			

\* American Samoa (67 percent)—\$943,360; N. Mariana Islands (33 percent)—\$464,640.

**Note:** Figures for populations of States and for Puerto Rico are based on Bureau of Census estimates as of July 1, 1996. Figures for other U.S. territories are based on the 1990 census.

- ❑ **Immigration and Naturalization Plan.** States must develop methods to notify the Immigration and Naturalization Service (INS) of alien convictions and to provide records of those convictions to INS.
- ❑ **Human Immunodeficiency Virus (HIV) Testing.** States must enact and enforce a law that requires sex offenders to be tested for HIV if the victim requests such testing. If a State fails to comply, 10 percent of the State’s formula grant will be withheld.
- ❑ **Jacob Wetterling Sexual Offender Registry.** States must establish 10-year registration requirements for persons convicted of certain crimes against minors and sexually violent offenses and a more stringent set of registration requirements for a subclass of highly dangerous sex offenders characterized as “sexually violent predators.” If a State fails to comply with these requirements, 10 percent of its formula grant will be withheld.

**Construction.** Grant funds may be used for construction of penal and correctional institutions only. Acquisition of land with grant funds is prohibited.

**Period of project support.** Projects in the aggregate may be funded for a maximum of 4 years (48 months). Grants awarded to State and local governments to participate in multijurisdictional drug or gang task forces and victim assistance programs are excluded from this restriction.

## Legislatively Authorized Byrne Program Purposes

Both discretionary and formula grant funds may be used to implement programs that carry out any of the following 26 legislatively authorized purposes:

1. Demand-reduction education programs in which law enforcement officers participate.
2. Multijurisdictional task force programs to integrate Federal, State, and local drug law enforcement agencies and prosecutors for the purpose of enhancing inter-agency coordination and intelligence and facilitating multijurisdictional investigations.
3. Programs to target the domestic sources of controlled and illegal substances, such as precursor chemicals, diverted pharmaceuticals, clandestine laboratories, and cannabis cultivations.

4. Community and neighborhood programs to assist citizens in preventing and controlling crime, including special programs that address crimes committed against the elderly and special programs in rural jurisdictions.
5. Programs to disrupt illicit commerce in stolen goods and property.
6. Programs to improve the investigation and prosecution of white-collar crime, organized crime, public corruption, and fraud against the Government, with priority attention to cases involving drug-related official corruption.
7. a. Programs to improve the operational effectiveness of law enforcement through the use of crime analysis techniques, street sales enforcement, schoolyard violator programs, and gang-related and low-income housing drug-control programs.  
b. Programs to develop and implement antiterrorism plans for deep-draft ports, international airports, and other important facilities.
8. Career criminal prosecution programs, including the development of model drug-control legislation.
9. Financial investigative programs to identify money laundering operations and assets obtained through illegal drug trafficking, including the development of model legislation, financial investigative training, and financial information-sharing systems.
10. Programs to improve the operational effectiveness of courts by expanding prosecutorial, defender, and judicial resources and implementing court delay-reduction programs.
11. Programs to improve the corrections system and provide additional public correctional resources, including treatment in prisons and jails, intensive supervision programs, and long-range corrections and sentencing strategies.
12. Prison industry projects to place inmates in a realistic working and training environment that enables them to develop marketable skills. With these skills inmates are better able to support their families and themselves in the institution and make financial restitution to their victims.
13. Programs to identify and meet the treatment needs of adult and juvenile drug- and alcohol-dependent offenders.

14. Programs to provide assistance to jurors and witnesses and assistance (other than compensation) to victims of crime.

15. a. Programs to improve drug-control technology, such as pretrial drug-testing programs; to provide for the identification, assessment, referral to treatment, case management, and monitoring of drug-dependent offenders; and to enhance State and local forensic laboratories.

b. Criminal justice information systems (including automated fingerprint identification systems) to assist law enforcement, prosecution, courts, and corrections organizations.

16. Programs to demonstrate innovative approaches to enforcement, prosecution, and adjudication of drug offenses and other serious crimes.

17. Programs to address drug trafficking and the illegal manufacture of controlled substances in public housing.

18. Programs to improve the criminal and juvenile justice system's response to domestic and family violence, including spouse abuse, child abuse, and elder abuse.

19. Programs with which States and local units of government can evaluate State drug-control projects.

20. Programs to provide alternatives to detention, jail, and prison for persons who pose no danger to the community.

21. Programs to strengthen urban enforcement and prosecution efforts targeted at street drug sales.

22. Programs to prosecute driving-while-intoxicated charges and enforce other laws relating to alcohol use and the operation of motor vehicles.

23. Programs to address the need for effective bindover systems for the prosecution of violent 16- and 17-year-old juveniles for [certain enumerated] violent crimes in courts with jurisdiction over adults.

24. Law enforcement and prevention programs for gangs and youth who are involved or are at risk of involvement in gangs.

25. Programs to develop or improve forensic laboratory capability to analyze DNA for identification purposes.

26. Programs to develop and implement antiterrorism training and procure equipment for local law enforcement authorities.

*Note: Congress has authorized the use of Byrne funds to support programs that assist in the litigation of death penalty Federal habeas corpus petitions. This authorization applies only to the current award (FY 1998) and may or may not be available in future funding cycles.*

## Program Evaluation

The Anti-Drug Abuse Act of 1988 mandates that all programs funded under the Byrne Program be evaluated. The goal is to identify and disseminate information about programs of proven effectiveness so that jurisdictions throughout the country can replicate them. In addition, evaluation results guide the formulation of policy and programs within Federal, State, and local criminal justice agencies.

The National Institute of Justice (NIJ) is an active participant in BJA's evaluation program. BJA and NIJ jointly develop evaluation guidelines and conduct comprehensive evaluations of selected programs receiving discretionary and formula grant funds. The Director of NIJ is required to report to the President, Attorney General, and Congress on the nature and findings of Byrne Program evaluation activities.

Formula grant program applicants must include an evaluation component that meets the BJA/NIJ evaluation guidelines. The Director of BJA may waive this requirement under certain circumstances. Each State is required to provide BJA with an annual report that includes a summary of its grant activities and an assessment of the impact of these programs on the needs identified in its statewide strategy. Formula grant funds may be used to pay for evaluation activities.

Applicants for discretionary grant funding also are required to include an evaluation component in their applications and to conduct evaluations according to the procedures and terms established by BJA.

The Director of BJA is required to submit to the Speaker of the House of Representatives and to the President pro tempore of the Senate an annual report on evaluation results of BJA programs and projects and State strategy implementation.

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## For More Information

For additional information on the Bureau of Justice Assistance and its programs, contact the offices listed below. In addition, refer to BJA's *FY 1998 Program Plan* for a summary of all discretionary programs planned for FY 1998. Solicitations for competitive awards, including application instructions, will be issued separately and made available through the BJA home page or the BJA Clearinghouse home page. (See below for World Wide Web addresses.)

### **Bureau of Justice Assistance**

810 Seventh Street NW.  
Washington, DC 20531  
Phone: 202-307-0635  
World Wide Web: <http://www.ojp.usdoj.gov/BJA>

### **Bureau of Justice Assistance Clearinghouse**

P.O. Box 6000  
Rockville, MD 20849-6000  
Phone: 1-800-688-4252  
World Wide Web: <http://www.ncjrs.org>

Clearinghouse staff are available Monday through Friday, 8:30 a.m. to 7 p.m. eastern time. Ask to be placed on the BJA mailing list.

### **Department of Justice Response Center**

Phone: 1-800-421-6770 or 202-307-1480

Response Center staff are available Monday through Friday, 9 a.m. to 5 p.m. eastern time.

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