



BJA Bureau of Justice Assistance Fact Sheet

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The Emergency Federal Law Enforcement Assistance Program

The Federal Government administers a variety of assistance programs to provide a coordinated response to State and local governments stricken by natural disasters. During such extraordinary circumstances, when State or local agencies are incapable of unilaterally coping with the aftermath of a flood, hurricane, tornado, or other natural calamity, the Federal Government has come to their aid with a multiagency response.

Although the Federal Government has programs to assist State and local governments with natural disasters, until 1984 there was no coordinated Federal response for any other type of emergency. A number of events occurring in the late 1970's and early 1980's are examples of the types of unexpected law enforcement emergencies State and local agencies may face: the Atlanta child murders; the Los Angeles Night Stalker, San Francisco Zodiac, and Seattle Green River serial murder investigations; and the Mariel Cuban boatlift. Although the Federal Government's primary law enforcement role is to enforce Federal criminal statutes, it can play an ancillary role by assisting State and local governments with unexpected law enforcement emergencies that overwhelm their capacities to respond.

Program Scope and Purpose

On October 12, 1984, the Emergency Federal Law Enforcement Assistance (EFLEA) Program was enacted into law as part of the Justice Assistance Act of 1984 (Public Law 98-473) and is now administered by the Bureau of Justice Assistance (BJA), Office of Justice Programs, U.S. Department of Justice. Its function is to assist State and/or local units of government in responding to law enforcement emergencies through the

provision of Federal law enforcement assistance. The EFLEA Program authorizes the Attorney General to provide funds, equipment, training, intelligence information, and personnel to help alleviate emergency situations. It also authorizes the Director of BJA to assist the Attorney General in providing EFLEA assistance and coordinating program activities.

Congress' intent in passing the EFLEA Program was to create an assistance program to address extraordinary circumstances that have the potential to create serious threats to public safety. Congress limited the number of eligible law enforcement emergencies by restricting applicability to situations in which State and local resources have been completely exhausted or are inadequate to deal with a law enforcement emergency. The legislative history of the Justice Assistance Act of 1984 indicates that Congress expected few emergencies to be dire enough to require Federal involvement through EFLEA. The program was never intended to be a routine source of Federal financial assistance for criminal justice activities.

Section 609N(3) of the Justice Assistance Act clearly delineates the purpose of EFLEA and limits its applicability by defining a "law enforcement emergency" as:

... an uncommon situation which requires law enforcement, which is or threatens to become of serious epidemic proportions, and with respect to which State and local resources are inadequate to protect the lives and property of citizens or to enforce the criminal law, except that such term **does not** [emphasis added] include the perceived need for planning or other activities related to crowd control

for general public safety projects, or a situation requiring the enforcement of laws associated with scheduled public events, including political conventions and sports events.

The EFLEA Program serves a special purpose in alleviating damage resulting from a law enforcement emergency and providing financial support for actions taken to prevent further losses.

Eligibility for Program Assistance

If a law enforcement emergency exists throughout a State or in part of a State, the State may submit an application for itself or for units of local government to the U.S. Attorney General for EFLEA Program assistance. The application must meet certain criteria and be submitted in writing by the Governor in accordance with established EFLEA application guidelines, as described in the following sections.

Key Determining Factors

The Attorney General evaluates EFLEA Program applications based on the likelihood that the situation will escalate into a law enforcement emergency of epidemic proportions, posing an imminent threat to public safety. The law enforcement emergency must be of sufficient magnitude to overwhelm the State or local government's ability to respond. Based on these criteria, the Attorney General approves or disapproves funding awards within 10 days after receiving the application.

Application Requirements

The Governor should submit a written application and signed transmittal letter that include the following elements:

- ❑ **Problem.** A description of the nature and extent of the law enforcement emergency, including the specific identification and description of the political and jurisdictional subdivision(s) where the emergency exists.
- ❑ **Resources.** A description of the State and local criminal justice resources available to address the emergency and an explanation of why and to what degree they are insufficient.
- ❑ **Required assistance.** A specific statement of the funds, equipment, training, intelligence information, and/or personnel requested and a description of their intended use.

- ❑ **Other assistance.** Information about any other assistance the State or appropriate unit of government has received or could receive under the provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.
- ❑ **Complete line-item budget.** A budget accompanied by a detailed narrative explaining all costs for which EFLEA funding is requested and showing how such costs were derived.
- ❑ **Signed and dated assurance statement.** A statement certifying compliance with applicable Federal statutes, regulations, policies, guidelines, and requirements.
- ❑ **Certification statements.** Statements concerning lobbying, debarment, suspension, drug-free workplace requirements, and other responsibility matters.
- ❑ **Disclosure of lobbying activities.** A description of any lobbying activities in which the applicant may be engaged, if the amount of the application exceeds \$100,000.

Program Limitations

The EFLEA Program is not a grant program for normal and customary criminal justice expenditures; therefore, the following activities are not eligible for funding:

- ❑ **Land acquisition.** No funds are to be used to purchase or acquire land.
- ❑ **Supplantation.** No funds are to be used to supplant State or local funds that would otherwise be made available for such purposes.
- ❑ **Civil justice.** No funds or other assistance are to be used for civil justice matters, except to the extent that such matters relate directly and substantially to, or are inextricably intertwined with, criminal justice matters.
- ❑ **Use of Federal law enforcement personnel.** Federal law enforcement personnel may not be used to investigate violations of criminal law other than violations for which investigation is authorized by other provisions of law (Section 6090(a) of the Justice Assistance Act).
- ❑ **Direction, supervision, and control.** Neither the Attorney General nor the Federal law enforcement community may exercise any direction, supervision, or control over any applicant's police force or other criminal justice agency (Section 6090(b) of the Justice Assistance Act).

Examples of Recent Awards

EFLEA awards have been made for the following extraordinary law enforcement emergencies:

- **Suspicious deaths.** In June 1995, the State of Indiana requested funds to assist in investigating suspicious deaths in the intensive care unit of the Vermillion County Hospital in Clinton. The State was awarded \$330,578 to support task force efforts in conducting a homicide investigation, exhuming dozens of bodies buried in cemeteries in several States, conducting autopsies and forensic analyses, and securing medical experts.
- **Rodney King/Reginald Denny cases.** In April 1993, the State of California requested funds for law enforcement overtime to amass a sufficiently large presence of State and local law enforcement officers to prevent civil disturbances. The State had incurred extraordinary overtime expenses during jury deliberations in the civil rights trial of police officers prosecuted for assaulting Rodney King and in the aftermath of the verdict convicting the assailants of truck driver Reginald Denny. The State was awarded \$1 million.
- **Waco standoff.** In March 1993, the State of Texas requested funds for overtime accrued by law enforcement officers of the Texas Department of Public Safety and the McClennan County Sheriff's Office who were directly engaged in the Waco standoff between the Branch Davidian religious sect and law enforcement. The State was awarded a grant of \$625,312.
- **Gainesville Homicide Task Force.** In September 1990, the State of Florida requested emergency funding for its Gainesville Homicide Task Force. The task force was investigating five murders committed within 1 week by a serial killer. Florida received an initial and

a supplemental award totaling \$1.14 million for overtime, fringe benefit costs, travel, and for associated expenses such as aircraft operations, equipment rental, and office supplies.

- **San Francisco earthquake.** In December 1989, the State of California submitted an application requesting assistance for law enforcement's response to the San Francisco earthquake. An award of \$4.96 million was approved for law enforcement overtime, replacement or repair of damaged equipment, and emergency repairs to critical law enforcement facilities.
- **Hurricane Hugo.** In October and December of 1989, the State of South Carolina submitted applications requesting assistance for law enforcement's response to Hurricane Hugo. Two awards totaling \$2.7 million were approved for law enforcement overtime, replacement or repair of damaged equipment, and emergency repairs to critical law enforcement facilities.

For Further Information

Detailed information about the EFLEA Program may be found at Title 28, Code of Federal Regulations, Chapter 1, Part 65. The program is codified at Title 42, United States Code, Section 10501. An application kit with additional information is available from:

Emergency Federal Law Enforcement Assistance (EFLEA) Program

Bureau of Justice Assistance

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