



# Bureau of Justice Assistance Program Brief

## Edward Byrne Memorial State and Local Law Enforcement Assistance Program

### Fiscal Year 2002

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

BJA awards Byrne Program funds 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 award subgrants to state and local units of government as well as to agencies and organizations.

Richard R. Nedelkoff, Director

[www.ojp.usdoj.gov/BJA](http://www.ojp.usdoj.gov/BJA)

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## About BJA

The Bureau of Justice Assistance was established in 1984 as a component of the Office of Justice Programs, U.S. Department of Justice. BJA provides leadership and resources to state, local, and tribal governments and communities to reduce crime, violence, and drug abuse and to strengthen the nation's criminal justice system. BJA provides this assistance through formula and discretionary grants, training and technical assistance, publications, and the BJA web site.

## For Further Information

For additional information on the Bureau of Justice Assistance and its programs, contact the offices listed below. Solicitations for competitive awards, including application instructions, will be issued separately and made available through the BJA home page or the BJA Clearinghouse. (See below for World Wide Web addresses.)

### **Bureau of Justice Assistance**

810 Seventh Street NW.  
Washington, DC 20531  
202-616-6500  
Fax: 202-305-1367  
Web site: [www.ojp.usdoj.gov/BJA](http://www.ojp.usdoj.gov/BJA)

For publications and information on other BJA-funded programs, contact:

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

P.O. Box 6000  
Rockville, MD 20849-6000  
1-800-688-4252  
Web site: [www.ncjrs.org](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.

## 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) 2002, more than \$94 million was appropriated for the Byrne Discretionary Grant Program; however, all of the discretionary funding was earmarked for special projects.

**Eligibility.** Units of local government, tribal governments, 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 a project. However, BJA's policy is to promote leveraging of state, local, and private resources and to emphasize the need for early sustainment planning by grant recipients.

**Program priorities.** During FY 2002, BJA is focusing 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.

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## Formula Grant Program

**Program purposes.** The Byrne Formula Grant Program is a partnership among federal, state, and local governments intended to create safer communities and improve criminal justice systems. BJA is authorized to award grants to states for use by states and units of local government to improve 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 widespread apprehension, prosecution, adjudication, detention, and rehabilitation of offenders who violate state and local laws. Grants may also be used to provide assistance (other than compensation) to crime victims. Formula grant funds can be expended on 29 legislatively authorized purpose areas (outlined in the next section).

**Funding.** In FY 2002, \$486 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. (American Samoa and the Northern Mariana Islands share one allocation.)

**Eligibility.** The 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. 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 state designates a state office to administer the state's Byrne Program. This office, the State Administering Agency (SAA), coordinates the distribution of Byrne funds with other state agencies that receive federal funds for drug abuse education, prevention,

treatment, and research activities. An office or agency performing other functions within the state's executive branch may be the designated SAA.

**Statewide strategy.** Each state must develop a statewide strategy, which covers the 4-year grant period and is updated annually, to improve its criminal justice system. The strategy should emphasize drug trafficking, violent crime, and serious offenders. To prepare the strategy, the SAA should consult with state and local officials, particularly those charged with enforcing criminal laws and directing the administration of justice. The strategy must be made available to the public for comment.

**Administrative funds.** Up to 10 percent of a formula grant award to a state may be used by the state 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 nonfederal funds. These "match" funds must be in addition to funds that would otherwise be made available by the recipient. Match funds are generally provided on a project-by-project basis, although BJA may approve a statewide match option.

**Passthrough.** Each state must "pass through" (i.e., subgrant) a portion of its award to local agencies within the state. 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 U.S. 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.** When distributing funds, states must 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 (CJRI) Plan.**

States must use at least 5 percent of their formula grant awards for the improvement of criminal justice records. As of FY 2002, states may request approval from BJA to reallocate their CJRI funds for anti-terrorism purposes.

◆ **Immigration and Naturalization Plan.** States must develop methods to notify the U.S. Immigration and Naturalization Service (INS) of alien convictions and to provide records of those convictions to INS.

**Other congressional provisions.** States are not required to comply with the following provisions. However, for each provision with which a state is not in compliance, the state forfeits 10 percent of its formula grant.

◆ **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. FY 2001 HIV penalty redistribution amounts were added to FY 2002 Byrne Formula Grant Program allocations.

◆ **Jacob Wetterling Act Sex Offender Registration and Community Notification.** 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.” FY 2001 penalty redistribution amounts were added to FY 2002 allocations. For additional information regarding the Jacob Wetterling Act, please visit [www.ojp.usdoj.gov/BJA/resource/toolbox.html](http://www.ojp.usdoj.gov/BJA/resource/toolbox.html).

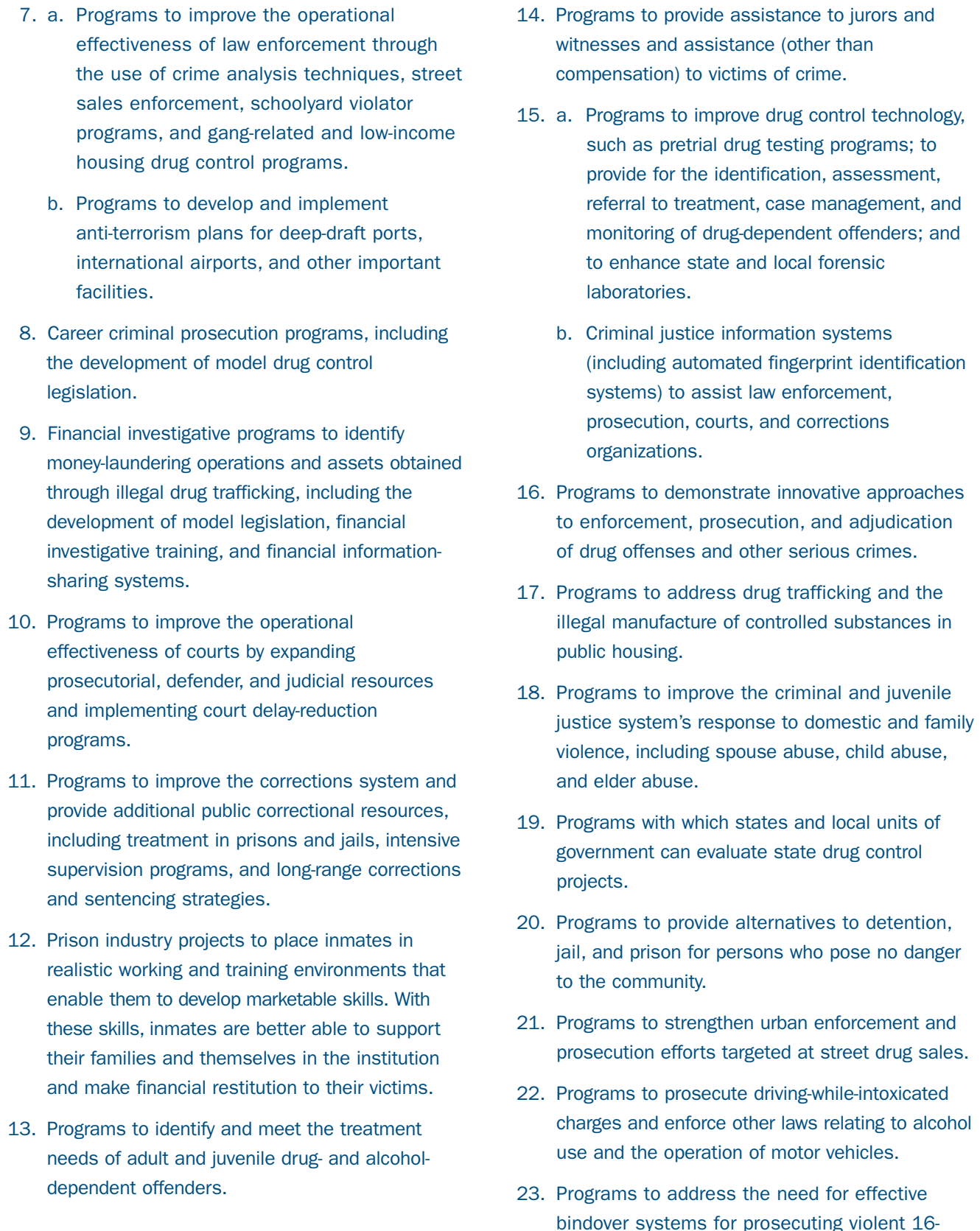
**Construction.** Construction is prohibited with Byrne funds except for penal and correctional institutions. Acquisition of land with grant funds is prohibited.

**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 29 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 interagency 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 official corruption.

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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 anti-terrorism 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 realistic working and training environments that enable 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 prosecuting violent 16-



## FY 2002 Byrne Formula Grant Program State Allocations

State	FY 2002 Allocation	Percentage To Be Passed Through to Local Jurisdictions	State	FY 2002 Allocation	Percentage To Be Passed Through to Local Jurisdictions
Alabama	\$7,763,473	50.95%	Montana	\$2,562,472	58.56%
Alaska	2,158,472	21.97	Nebraska	3,749,473	60.36
American Samoa	953,222	0	Nevada	4,170,473	62.01
Arizona	8,766,474	61.04	New Hampshire	3,052,472	51.46
Arkansas	5,670,673	54.87	New Jersey	13,584,474	57.67
California	50,933,474	63.15	New Mexico	3,907,473	42.23
Colorado	7,549,473	58.82	New York	29,080,474	63.29
Connecticut	6,235,473	36.96	North Carolina	13,048,474	41.36
Delaware	2,388,472	26.87	North Dakota	2,181,472	56.16
District of Columbia	2,078,472	100.00	N. Mariana Islands	470,076	0
Florida	24,687,474	61.56	Ohio	17,895,474	64.42
Georgia	13,249,474	53.39	Oklahoma	6,301,473	45.41
Guam	1,443,752	0	Oregon	6,258,473	46.98
Hawaii	3,016,472	46.45	Pennsylvania	19,257,474	64.83
Idaho	3,137,473	52.41	Puerto Rico	6,826,473	0
Illinois	19,460,474	64.51	Rhode Island	2,777,472	41.76
Indiana	10,160,474	56.78	South Carolina	7,125,473	42.53
Iowa	5,532,473	40.79	South Dakota	2,346,472	47.16
Kansas	5,183,473	47.49	Tennessee	9,586,474	48.78
Kentucky	7,169,373	32.30	Texas	31,831,474	65.60
Louisiana	7,795,473	51.92	Utah	4,515,473	49.76
Maine	3,109,473	41.59	Vermont	2,344,472	25.11
Maryland	9,009,474	44.47	Virgin Islands	1,398,472	0
Massachusetts	11,591,053	34.52	Virginia	11,624,474	30.04
Michigan	15,820,474	53.10	Washington	9,886,474	60.25
Minnesota	8,456,474	70.29	West Virginia	3,892,473	47.93
Mississippi	5,412,473	52.52	Wisconsin	9,108,474	61.98
Missouri	9,448,474	58.22	Wyoming	1,963,472	54.95

and 17-year-old juveniles in courts with jurisdiction over adults. (The crimes are specified.)

24. Law enforcement and prevention programs for gangs and youth who are involved in 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 anti-terrorism training and procure equipment for local law enforcement authorities.
27. Improving the quality, timeliness, and credibility of forensic science services for criminal justice purposes.
28. Programs to enforce child abuse and neglect laws, including laws protecting against child sexual abuse, and promoting programs designed to prevent child abuse and neglect.
29. Programs to establish or support cooperative programs between law enforcement and media organizations to collect, record, retain, and disseminate information useful in the identification and apprehension of suspected criminal offenders.

*Note: Congress has authorized the use of Byrne funds to support programs that assist in the litigation of death penalty federal habeas corpus petitions and for drug testing initiatives. This authorization applies to awards for FYs 1998–2002 and 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) has been an active participant in BJA's evaluation program. BJA and NIJ have jointly developed evaluation guidelines and conducted 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 these programs' impact 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 Congress an annual report on evaluation results of BJA programs and projects and state strategy implementation.