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Selected Federal Crime Control Assistance to State and Local Governments

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Summary

The Department of Justice's (DOJ's) Office of Justice Programs (OJP) administers a broad spectrum of programs that help prevent crime and assist state and local law enforcement efforts around the nation. In FY2004, three programs accounted for nearly 70% of the direct funding provided under OJP's State and Local Law Enforcement Assistance account. They included the Local Law Enforcement Block Grants (LLEBGs), the Byrne Formula grants and the Byrne Discretionary grants programs. For FY2005, the LLEBG and the Byrne Formula grant programs were consolidated into one Byrne Justice Assistance Grant (JAG) program. This newly-created JAG program and the Byrne Discretionary grant program account for 62% of the direct funding within the State and Local Law Enforcement Assistance account for FY2005.

This report summarizes selected grant programs and funding histories that support federal crime control assistance to state and local governments. These programs include the Weed and Seed grant program; the Byrne Discretionary grant program; the Byrne Formula grant program; the LLEBG program; and the new Byrne JAG program. In addition, three congressional set-asides are also discussed, the Boys and Girls Clubs, the National Institute of Justice technology initiative, and the USA Freedom Corps. For FY2005, Congress provided nearly $859 million in funding for these crime control assistance programs.

For FY2006, the Administration requests a proposed "performance-based" program realignment that would restructure the Office of Justice Programs budget account. The decision unit structure of DOJ components would be streamlined to more closely align with the mission and strategic objectives contained in the DOJ Strategic Plan (2003-2008). While supporting the establishment of the JAG program in FY2005, the Administration currently contends that much of the justification for violent and drug-related crime assistance to state and local governments has diminished in light of other needs such as counterterrorism. The FY2006 request includes funding for Weed and Seed, the Boys and Girls Clubs, and the USA Freedom Corps. Funding for the other programs outlined above is not requested. The Administration's FY2006 request totals nearly $136 million, $723 million less than the amount appropriated by Congress for FY2005.

This report will be updated as new information becomes available.

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Introduction

The Department of Justice's (DOJ's) Office of Justice Programs (OJP) administers a broad spectrum of programs that help prevent crime and assist state and local law enforcement efforts around the nation. In FY2004, three programs accounted for nearly 70% of the direct funding provided under OJP's State and Local Law Enforcement Assistance account. They included the Local Law Enforcement Block Grants (LLEBGs), the Byrne Formula grants and the Byrne Discretionary grants programs. For FY2005, the LLEBG and the Byrne Formula grant programs were consolidated into one Byrne Justice Assistance Grant (JAG) program. This newly-created JAG program and the Byrne Discretionary grant program account for 62% of the direct funding within the State and Local Law Enforcement Assistance account for FY2005.[1]

Program descriptions and funding trends for major OJP programs that are profiled below include (1) Weed and Seed; (2) Edward Byrne Discretionary grant; (3) Edward Byrne Formula grant; (4) LLEBG; and (5) the newly-created Byrne Justice Assistance Grant. In addition, three congressional set-asides are also discussed, the Boys and Girls Clubs, the National Institute of Justice technology initiative, and the USA Freedom Corps. The Administration's FY2006 funding requests for these programs are also discussed.

As discussed below, the LLEBG and the Byrne Formula grant programs have been consolidated into a new Edward Byrne Memorial JAG program. For the purposes of the historical funding histories in this report, however, the two programs are discussed separately, in addition to being considered as components of the new JAG program.

Weed and Seed Program[2]

The Weed and Seed program, administered by the Community Capacity Development Office (CCDO) of the DOJ's OJP, is a discretionary grant program designed to "weed out" crime in selected neighborhoods, and "seed" them with

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[1] The other 38% of FY2005 funding for the State and Local Law Enforcement Assistance account include appropriations for such programs as: Drug Courts, State Criminal Alien Assistance, Southwest Border Prosecution, and Prescription Drug Monitoring, among other things.

[2] Additional information on the Weed and Seed program is available at [http://www.ojp.usdoj.gov/eows].

coordinated crime prevention and human service programs. It is a multi-agency approach to law enforcement, crime prevention, and community revitalization. The core elements to this strategy are (1) enhanced law enforcement; (2) community policing, which serves as a bridge between law enforcement and social revitalization; (3) prevention, early intervention, and treatment efforts; and (4) neighborhood restoration.

Communities that develop a Weed and Seed strategy in coordination with their U.S. Attorney's Office submit an application for Official Recognition (OR) to the CCDO for review and approval. If the site is designated as Officially Recognized, it may then be eligible to apply for Weed and Seed funding, as well as receive other preferences, such as preference in discretionary funding from other participating federal agencies and priority for participating in federally sponsored training and technical assistance, among other things. Currently there are over 300 officially recognized Weed and Seed sites.

While there is no formal authorization for the Weed and Seed program, Congress has appropriated funding for this program since 1993. Since 1998, Weed and Seed has been funded as a direct appropriation within OJP's budget structure.[3] For FY2005, Congress appropriated $61.2 million for Weed and Seed efforts. **Table 1** shows the program appropriations history for Weed and Seed since FY2000. Funding for this program has been relatively stable in the past several years. The Administration requests $59.6 million in funding for the Weed and Seed program for FY2006.

Edward Byrne Memorial State and Local Law Enforcement Assistance (Byrne) Grants Program

Administered by OJP's Bureau of Justice Assistance (BJA), the Edward Byrne Memorial State and Local Law Enforcement Assistance (Byrne) Grants program was first authorized in the Drug Abuse Prevention and Treatment Act of 1986 (P.L. 99-570) and named after a slain New York City police officer in the Anti-Drug Abuse Act of 1988 (P.L. 100-690). The Byrne program consists of discretionary grants and formula grants.

Byrne Discretionary Grants. The Byrne Discretionary grant authority consists of two parts: grants for demonstration projects and grants for projects that stimulate the establishment of sanctions other than prisons for offenders. Traditionally, this program served as a vehicle for state and local criminal justice improvements in topics ranging from gun safety, drug testing, alternatives to incarceration, and community-based justice.

The authorization for the Byrne Discretionary grants expired at the end of FY2000, however Congress has continued to appropriate funding for the program. **Table 1** shows the appropriations history for Byrne Discretionary grants since FY2000. Appropriations for this program continued to increase sharply in the six-

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[3] Prior to 1998, Weed and Seed program activities were funded from Byrne discretionary grants within OJP's State and Local Law Enforcement Assistance Account.

year period examined.[4] Byrne Discretionary grant funding is included in the State and Local Law Enforcement account in the OJP's budget structure. For FY2004, Congress appropriated $157.4 million for the Byrne Discretionary grant program. An additional $49.7 million was provided on a one-time basis for reimbursement to state and local law enforcement entities for security and related costs associated with the 2004 Presidential Candidate Nominating Conventions. The Administration did not recommend funding for this program in FY2005, citing the heavy earmarking of funds within this program that has purportedly hampered OJP's ability to address new and innovative criminal justice initiatives. However, Congress provided $167.8 million in appropriations for this program for FY2005. Citing that the program has no demonstrable impact on crime and the lack of targeted funding to the most meritorious projects,[5] the Administration again proposes to terminate funding for Byrne Discretionary grants in FY2006.[6]

Byrne Formula Grants. The Byrne Formula grant funds are awarded to states and must be used by states and units of local governments to improve their criminal justice systems in order to reduce violent crime, the demand for illegal drugs, or the availability of such drugs. The Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351) as amended[7] provides a general statement of the overall purposes of the Byrne Formula grant program. Funds are awarded to states for 29 legislatively authorized purpose areas.[8]

Formula. Under the Byrne Formula program, each state receives a minimum amount of $500,000 or 0.25% of the total allocation, whichever is greater. The remaining funds are then distributed to each state according to each state's relative share of the U.S. population. Each state must pass through a specified portion of the formula grant funding to localities. Byrne Formula grant funds may be used to pay up to 75% of the cost of a project or program. Non-federal funds must be used for the remaining 25% of the program cost.

Table 1 shows the program appropriations history for Byrne Formula grants since FY2000. Program appropriations remained relatively stable in the period between FY2000 and FY2004. Appropriations for Byrne Formula grants have traditionally been included in the State and Local Law Enforcement account in the DOJ's OJP budget structure. The authorization for the Byrne programs expired at the end of FY2000, but Congress continued to appropriate funding for the program. For FY2004, Congress appropriated $494.7 million for Byrne Formula grants. No

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[4] This does not include an additional $251.1 million in emergency appropriations that P.L. 107-117 provided for the Byrne Discretionary program in FY2002 to respond to the Sept. 11, 2001 terrorist attacks on the United States.

[5] Executive Office of the President of the United States, Major Savings and Reforms in the President's 2006 Budget, Feb. 11, 2005, p. 63.

[6] Since taking office, the Bush Administration has not requested funding for Byrne Discretionary Grants.

[7] 42 U.S.C. 3751.

[8] See [http://www.ojp.usdoj.gov/BJA/grant/byrnepurpose.html] for more information on the 29 purpose areas.

funding was provided for FY2005 since it was folded into the newly created JAG program (see below).

Local Law Enforcement Block Grants (LLEBG)

Administered by OJP's BJA, the LLEBG program provides funding to states and local governments to assist in efforts to reduce crime and improve public safety. LLEBG emphasizes local decision making and encourages communities to craft their own responses to local crime and drug problems. Funds could be used for projects in one or more of seven purpose areas, ranging from hiring or training new police officers, to enhancing security measures in and around schools, to establishing crime prevention programs involving cooperation between community residents and police. There is no formal authorization for the program. However, Congress first appropriated funding for the LLEBG program in 1996,[9] and has continued to fund the program through subsequent appropriations acts.

Formula.[10] State allocations for LLEBG funding are determined in proportion to the state's reported three-year average number of violent crimes[11] compared to all other states. The data are taken from Part I of the Uniform Crime Reports (UCR). Each state is guaranteed at least 0.25 % of the total amount allocated for the LLEBG program. The amount localities are eligible to receive are also made proportionate to their three-year average number of UCR Part I violent crimes compared to all other localities in that state. If a locality's award amount is greater than $10,000, the locality will receive the funding directly from BJA. If a locality's award amount is less than $10,000, the funds are allocated to the state. The state then has the option to distribute the funds to the localities that did not meet the $10,000 threshold and/or to state police departments that provide law enforcement services to localities. Localities eligible to receive a direct award ($10,000 or more) are not eligible to receive funding from the state's portion. No locality can receive funding which exceeds their law enforcement services expenditures. LLEBG funds may be used to pay up to 90% of the cost of a project or program. Non-federal funds must be used for the remaining 10% of the program cost.

Appropriations for the LLEBG program have traditionally been included in the State and Local Law Enforcement account in the DOJ's OJP budget structure. **Table 1** shows the program's appropriations history since FY2000. LLEBG appropriations have decreased sharply between FY2000 and FY2004. Part of the LLEBG funding is awarded on a noncompetitive basis, consistent with congressional set-asides. Of the $222.6 million appropriated for LLEBG for FY2004,[12] Congress set aside $79.6

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[9] As authorized by the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104-134). This appropriations act references H.R. 728 as passed by the House on Feb. 14, 1995 in regard to the establishment of the LLEBG program.

[10] As detailed in H.R. 728 passed by the House on Feb. 14, 1995.

[11] Part I violent crimes reported to the Federal Bureau of Investigation include murder, nonnegligent manslaughter, forcible rape, robbery, and aggravated assault.

[12] This amount does not include $544,000 provided from the DOJ General Provisions for (continued...)

million for the Boys and Girls Clubs of America; nearly $10 million for the National Institute of Justice technology initiative; and nearly $3 million for USA Freedom Corps. The remaining amount ($130 million) was available for the formula grant distribution. No funding was provided for the LLEBG program for FY2005 since it was folded into the newly-created JAG program (see below).

Boys and Girls Clubs. Working in cooperation with state and local law enforcement, the Boys and Girls Clubs of America are located in public housing facilities and other areas to reach out to children whose families cannot afford other community programs. Boys and Girls Clubs of America have more than 25 national programs available to teach young people the skills necessary to succeed, including education, health, alcohol/drug and pregnancy prevention, gang prevention, leadership development, and athletics. As authorized by section 401 of P.L.104-294, the Boys and Girls Clubs was provided $20 million each fiscal year 1997 through 2001. P.L. 108-344 reauthorized the Boys and Girls Clubs through FY2010. Congress provided $79.6 million of the LLEBG appropriations to the Boys and Girls Clubs in FY2004. For FY2005, this program was provided $83.9 million in appropriations as a congressional set-aside under the JAG program. For FY2006, the Administration requests $60 million for the Boys and Girls Clubs as a stand alone program within OJP's State and Local Law Enforcement Assistance account, not as a set-aside under any other program.

National Institute of Justice. Administered by OJP's National Institute of Justice (NIJ), the Technology Research and Development (hereinafter technology) initiative is authorized through appropriations acts each year. As referenced in H.R. 728 passed by the House in 1995, these funds are made available to assist local units of government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement. While having no formal authorization, Congress provided $10 million of the LLEBG appropriations to NIJ in FY2004 for these purposes. For FY2005, the NIJ technology initiative was provided $9.9 million of the newly-created JAG appropriations. The Administration does not request funding for this program for FY2006.

USA Freedom Corps. The USA Freedom Corps was established by President George W. Bush to provide citizens with opportunities to reduce crime and other threats, such as terrorism, in their communities. The Freedom Corps essentially consists of four programs, two of which are justice-related. The justice-related programs include the Neighborhood Watch and the Volunteers in Police Service programs. The non-justice programs are administered by the Federal Emergency Management Agency (FEMA) and include the Community Emergency Response Teams and the Medical Reserve Corps. Congress appropriated nearly $3 million for the Freedom Corps as a set-aside within the LLEBG in FY2003 and FY2004. While the Administration requested $15.4 million for the Freedom Corps as a separate account in FY2005, Congress appropriated $2.5 million for this program in the form of a congressional set-aside within the JAG program. For FY2006 the

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[12] (...continued)
San Juan, Puerto Rico.

Administration is requesting $16.0 million for USA Freedom Corps as a stand alone program within OJP's State and Local Law Enforcement Assistance account.

Edward Byrne Memorial Justice Assistance Grant (JAG)

For several years, the Administration proposed to eliminate the LLEBG and Byrne Formula grant programs and replace them with a new Edward Byrne Memorial JAG program. For FY2005, Congress consolidated the LLEBG and Byrne Formula programs into the JAG program.[13] Administered by the BJA, the JAG program provides assistance to state and local law enforcement for a wide spectrum of crime reduction projects developed at the local level. Such projects could be developed for the following purposes: (1) law enforcement programs, (2) adjudication programs, (3) community-based and statewide prevention and education programs, (4) corrections programs, (5) drug treatment programs, and (6) planning, evaluation, and technology improvement programs. Any initiative funded previously under the Byrne Formula or LLEBG programs would continue to be eligible for funding under these six purpose areas.

Formula.[14] The formula used for distributing funds under this program allocates funding equally based on population[15] and on violent crime rates.[16] Similar to the LLEBG and Byrne Formula programs, each state is ensured a minimum allocation of at least 0.25% of the total amount appropriated for the JAG program. Of the remaining amount allocated among states, 50% of the amount is allocated based on the total population of a state relative to the total population of the entire United States. The other 50% is allocated among states based on the three-year average number of Part I violent crimes of the UCR reported by a state in proportion to the three-year average number of Part I violent crime of all states combined.

State Allocation. Of the amount allocated to each state under the JAG program, 60% of the funding is for direct grants to the state. Calculated by the Bureau of Justice Statistics (BJS), a percentage of the state allocation, based on total criminal justice expenditures, must be made available as sub-awards by the state to localities within the state.

Locality Allocation. Of the amount appropriated for each state under the JAG program, 40% of the funding is distributed directly from BJA to eligible localities within that state.[17] However, there is a minimum allocation amount of $10,000. If a locality's allocation under the formula is less than $10,000, the state

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[13] The Consolidated Appropriations Act, 2005 (P.L. 108-447) refers to H.R. 3036, as passed by the House on Mar. 30, 2004, for authorization of the JAG program.

[14] Refer to H.R. 3036, as passed by the House on Mar. 30, 2004, for more specific formula information.

[15] Similar to the Byrne Formula program.

[16] Similar to the LLEBG program.

[17] Localities appearing on the *FY2005 Units of Local Government List* established by BJS are eligible to apply for JAG funds. For a listing of these eligible localities, go to [http://www.ojp.usdoj.gov/BJA/grant/jagallocations.html].

receives the allocation. That amount is then distributed among state police departments that provide criminal justice services to the localities that did not meet the minimum allocation, as well as other localities around the state. Additionally, there is a maximum allocation amount to localities. No direct award to any locality may be more than the total criminal justice expenditures of that locality. If an award amount is greater than its expenditures, the amount over is allocated proportionally among localities whose allocations did not exceed their total criminal justice expenditures.

Unlike the Byrne Formula and LLEBG programs, the JAG program legislation does not contain language regarding matching funds. JAG program legislation also allows for two set-asides.[18] No more than $20 million of JAG appropriations can be carved out for the NIJ technology initiative and no more than $20 million can be allocated for antiterrorism training programs.

For the JAG program in FY2005, Congress provided $625.5 million in funding. By comparison, $717.3 million in combined funding was provided for Byrne Formula and LLEBG programs in FY2004. As noted above, of the amount provided for FY2005 for JAG, appropriations were included for Boys and Girls Clubs ($83.9 million), NIJ's technology initiative ($9.9 million), and the USA Freedom Corps initiative ($2.5 million), set-asides which were previously funded through LLEBG appropriations. **Table 1** shows the program appropriations for the JAG program. Like its predecessors, appropriations for this program are included in the State and Local Law Enforcement account in the OJP's budget structure.

While supporting the establishment of the JAG program in FY2005, the Administration currently contends that the justification for violent and drug-related crime assistance to state and local governments has diminished relative to other needs such as increasing counter-terrorism efforts and reducing the federal budget deficit. Citing the historically low crime rate and that the Byrne Formula and LLEBG programs (JAG's predecessors) "have not been able to demonstrate an impact on crime," the Administration did not request funding for the JAG program for FY2006.[19] Funding for the Boys and Girls Clubs in the amount of $60 million, however, is requested as a stand alone program. Additionally, the Administration requests $16 million for the USA Freedom Corps as a stand alone program, an increase of $13.5 million above the FY2005 enacted level. The additional funding would, according to the Administration, assist State and local criminal justice agencies in enforcement and public safety activities.

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[18] See section 506 of H.R. 3036, as passed by the House on Mar. 30, 2004.

[19] Executive Office of the President of the United States, *Major Savings and Reforms in the President's 2006 Budget*, Feb. 11, 2005, p. 64.

Table 1. Selected Crime Control Assistance Programs, FY2000-FY2006

(dollars in millions)

Selected programs	FY2000	FY2001[a]	FY2002	FY2003	FY2004[b]	FY2005[c]	FY2006 request
Weed and Seed	$33.5	$33.9	$58.9	$58.5	$57.9	$61.2	$59.6
Byrne Discretionary Grants	52.0	68.9[d]	94.5[e]	150.9	157.4[f]	167.8	—
Byrne Formula Grants	500.0	498.9	500.0	500.0	494.7	—	—
Local Law Enforcement Block Grant (LLEBG)	523.0	521.8	400.0	400.0	222.6[g]	—	—
LLEBG less set-asides	*(473.0)*	*(441.8)*	*(310.0)*	*(297.6)*	*(130.0)*		
Boys and Girls Clubs	*(50.0)*	*(60.0)*	*(70.0)*	*(79.5)*	*(79.6)*		
National Institute of Justice		*(20.0)*	*(20.0)*	*(19.9)*	*(10.0)*		
USA Freedom Corps				*(3.0)*	*(3.0)*		
Justice Assistance Grants (JAG)						625.5	—
JAG less set-asides						*(529.2)*	*(—)*
Boys and Girls Clubs						*(83.9)*	*(—)*
National Institute of Justice						*(9.9)*	*(—)*
USA Freedom Corps						*(2.5)*	*(—)*
Boys and Girls Clubs[h]							60.0
USA Freedom Corps[h]							16.0
Total of selected programs	**$1,108.5**	**$1,123.5**	**$1,053.4**	**$1,109.4**	**$932.6**	**$858.5**	**$135.6**

Sources: Amounts for FY2000 enacted taken from H.Rept. 106-680. Amounts for FY2001 enacted taken from H.Rept. 107-139. Amounts for FY2002 enacted taken from the *Congressional Record*, Feb. 13, 2003, p. H575. Amounts for FY2003 enacted taken from the *Congressional Record*, Dec. 8, 2003, p. H12776. Amounts for FY2004 enacted taken from the *Congressional Record*, Nov. 20, 2004, p. H10110. Amounts for FY2005 enacted and FY2006 request taken from the *Department of Justice FY2006 Congressional Authorization and Budget Submission.*

a. Amounts include a 0.22% government-wide rescission enacted in P.L. 106-554.
b. Amounts include a 0.59% government-wide rescission and a 0.465% Department of Justice-wide rescission.
c. Amounts include a 0.80% across-the-board rescission and a 0.54% CJS discretionary accounts rescission.

d. This amount does not include $9.5 million in additional funding for discretionary grants from P.L. 106-544.
e. This amount does not include $251 million in emergency appropriations provided by the Department of Defense and Emergency Supplemental Appropriations for recovery from and response to terrorist attacks on the United States Act of 2002 (P.L. 107-117).
f. This amount does not include $49.7 million in additional funding for discretionary grants for reimbursement to state and local law enforcement entities for security and related costs associated with the 2004 Presidential Candidate Nominating Conventions.
g. This amount does not include $544,000 in funding for San Juan, Puerto Rico provided from the DOJ General Provisions.
h The Administration requests funding for this program as a stand alone program, not as a set-aside within another program.

Legislative Issues for the 109th Congress

According to the BJA, the JAG program streamlines funding previously given for Byrne Formula and LLEBG programs to maximize the grantee's flexibility. BJA contends fewer fiscal and programmatic reports will be required of each state with the consolidated JAG program. Since receiving congressional approval, BJA is currently in the process of accepting applications for the FY2005 funding solicitation. Congress may decide to follow up with how this program is administered and to determine whether the needs of state and local governments are being met. Of particular interest would be to examine the initiatives funded previously under the Byrne Formula or LLEBG programs and those which are subsequently awarded continued funding through the JAG program. There have been several proposals to consolidate other grant programs for similar purposes,[20] thus the JAG program may prove to be a useful case study for comparison.

A broader and overarching issue for Congress, is whether or not to continue the JAG program at all. The Administration has proposed to terminate funding for JAG in its FY2006 budget, stating that there is no longer the same compelling justification for the program relative to funding for counter-terrorism efforts. If Congress decides to continue the program, then the formula used to allocate the funds might be a target of legislative oversight and review.

Aside from the 10% decrease in appropriations for the LLEBG and Byrne Formula programs combined in FY2004 compared to appropriations for the JAG program for FY2005, critics of the consolidated JAG program state that there will be a significant reduction in drug and crime control funding in many states due to the formula used to distribute appropriated funds. The Byrne Formula grant used a population based formula, while the LLEBG program used a violent crime rate formula. In previous years, these two programs were not funded at the same level. In FY2004, for example, the Byrne Formula program was appropriated more than twice the funding that the LLEBG program was appropriated. However, the JAG formula will allocate 50% of the appropriated funds based on a state's population and the other 50% of the appropriated funds based on the state's violent crime rate. Therefore, the formula used for JAG may represent a sizable shift in resources for many states.

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[20] See for example, the COPS Enhancement Grant program proposed by H.R. 3036, as passed by the House on Mar. 30, 2004 or the OJP/COPS Tribal Law Enforcement Grant program proposed by the Administration in the *Department of Justice FY2006 Congressional Authorization and Budget Submission*.