

# NATIONAL CRIMINAL JUSTICE ASSOCIATION

## BYRNE JAG IMPROVES PUBLIC SAFETY AND PREVENTS CRIME

### *How States Use the Byrne JAG Formula Grant Program to Support Indigent Defense<sup>i</sup>*

#### **The Byrne JAG Program**

The Byrne Justice Assistance Grant program (Byrne JAG) is the cornerstone federal crime-fighting and crime-prevention program, enabling communities to target resources to their most pressing local needs.

Byrne JAG can be used broadly for indigent defense, law enforcement, prosecution and courts, prevention and education, corrections and community corrections, drug treatment and enforcement, planning, evaluation and technology, and crime victim and witness programs. This breadth and flexibility means states and local communities can use Byrne JAG to balance resources and address problems across the entire criminal justice system and to react quickly to urgent challenges and changing circumstances.

Byrne JAG has two components. Sixty percent of the funding is distributed by formula to states which subgrant the funding to local governments and non-profit service providers. The remaining 40 percent is awarded directly to local law enforcement agencies based on crime rates. Funding is authorized at \$1.1 billion annually, but annual funding levels have historically hovered around \$500 million. In FY08, funding was cut by 67 percent to \$170 million. In FY09, Congress restored funding to \$512 million and provided an additional \$2 billion in the American Recovery and Reinvestment Act.

#### **Byrne JAG and Indigent Defense**

Byrne JAG is used to fund indigent defense programs in a number of states. The National Criminal Justice Association surveyed the State Administering Agencies (SAAs) in early 2010, asking them to provide examples of innovative programs funded by Byrne JAG in 2009. Some examples include:

- Minnesota is using its Byrne JAG Recovery Act grant to employ 7.5 public defenders, helping to offset a cut in state funding that eliminated 53 public defender positions.
- In **Colorado**, Byrne JAG Recovery Act funds will support a pilot project to demonstrate new practices for bail administration and pretrial services.
- Using its Byrne JAG Recovery Act grant, **Delaware** will fund vacancies in the public defender's office for case processing needs. These positions will be funded for the first 24 months.

- **Kentucky**, Byrne JAG Recovery funds are being used to fund social workers that will utilize evidence-based practices in working with clients to identify needed services and sentencing options. The Department of Public Advocacy staff will be trained in effectively utilizing the services offered by the social workers.
- Byrne JAG funds in **New York** will be used to improve case outcomes by expediting the flow of drug and violent offenders through the criminal justice system by enhancing defense services.

NCJA also surveyed SAAs specifically on indigent defense involvement in their grant programs. Thirty-eight responded to the survey which found:

- Several SAAs responded that the defense bar is an equal partner in their grant programs.
- Some states reported having never received an application from a public defender agency.
- Eight states have funded a public defender position or indigent defense program, such as a post-conviction DNA or capital litigation training program.
- Seven states support public defender training, and five award grants for equipment.
- Of the more than half of states governed by a board or commission, 39 percent include a representative from public defense. In one state, a practicing criminal defense attorney is the commission chair.
- **Arizona** reported funding indigent defense as part of a few of its multi-jurisdictional drug taskforces.

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