

# **Federal Assistance to State and Local Indigent Defense Programs**

FY 1998 and 1999

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1625 K Street, NW, Suite 800  
Washington, D.C. 20006-1604  
T: 202.452.0620  
F: 202.872.1031  
[www.nlada.org](http://www.nlada.org)

Ron Gottlieb, Associate Counsel  
Defender Legal Services

Scott Wallace, Director  
Defender Legal Services

Jo-Ann Wallace, Chief Counsel  
Defender Legal Services

Clinton Lyons  
President and Chief  
Executive Officer



1625 K Street, NW, Suite 800  
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# Overview

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During the 1990's, more than \$70 million in federal funding was spent to help improve state and local indigent defense systems. The bulk of this support has been provided through formula grants to the states under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program (commonly referred to as simply "Byrne formula grants"). The allocation of these funds to indigent defense around the states has been spotty, with some states allocating balanced resources to indigent defense and others consistently allocating none, primarily because the decision to spend the money on indigent defense or any other of the 26 statutorily authorized purpose areas rests solely within the discretion of state planning bodies designated by each governor.

By the late 1990's however, opportunities for federal funding of state and local indigent defense systems had expanded significantly beyond Byrne formula grants, with the creation of new grant programs for which indigent defense is eligible. These include –

- **Local Law Enforcement Block Grants**, established in 1996, and funded at \$530 million in FY 2001.
- **Juvenile Accountability Incentive Block Grants**, established in 1997 and funded at \$250 million in FY 2001.
- **Crime Identification Technology Act grants**, established in 2001 and funded at \$130 million in FY 2001.
- **Drug court grants**, begun in 1995 and funded at \$50 million in FY 2001.
- **Weed and Seed grants**, to 230 cities, to "weed out" crime, and "seed" neighborhood restoration, funded at \$34 million in FY 2001.

Though none of these new programs yet approach

Byrne formula grants in terms of the extent of defender access, there are examples of defender access across the country sufficient to merit the attention of all defender systems considering seeking supplemental federal funding for important programs and initiatives. These alternative federal funding streams may be particularly valuable in states where defenders have not been able to gain access to Byrne formula grants; the state or local entities which set priorities and distribute the grant funds are different for the different grant programs.

The survey reported on herein marks the first time since NLADA began surveying indigent defense programs on access to federal funding in 1990 that significant positive responses have been elicited regarding non-Byrne grant programs.

The two-year average of \$7.2 million for Byrne formula grants to indigent defense works out to less than 1.5 percent of the total Byrne formula grants to the states (about \$500 million each year).

This modest total has been augmented increasingly in recent years by other federal grant programs: a two-year total of almost \$7.8 million, i.e., an average of more than 50 percent of the total Byrne awards to indigent defense during the same two years. Of the non-Byrne grant sources, Juvenile Accountability Incentive Block Grants have led the way, with a two-year total of \$2.9 million, followed by Local Law Enforcement Block Grants at \$2.2 million and Drug Courts grants at \$1.5 million. At the lower end of the scale were grants from the Office of Juvenile Justice and Delinquency Prevention, at \$540,000, and discretionary grants directly from BJA under various Open Solicitations, at \$616,000.

# Byrne Formula Grants

## Background

In 1990, Congress enacted a specific authorization for what were then called Drug Control and System Improvement Act grants to be allocated by the states for indigent defense. Section 601 of the Comprehensive Crime Control Act of 1990, P.L. 101-647, amended the list of purpose areas for this program to include “programs to improve the operational effectiveness of the court process by expanding prosecutorial, defender and judicial resources...” This provision came as a response to 1988 guidelines by the U.S. Bureau of Justice Assistance (BJA) prohibiting state funding of defenders with this pool of federal money.

The report of the House Judiciary Committee, where the provision originated, stated that the 1988 BJA guidelines were an “incorrect” interpretation of the program’s authorizing legislation, but that the amendment was “nevertheless needed to ensure that funding for indigent defense programs is recognized as of no less significance than the other purpose areas specifically enumerated.” The amendment “contemplates a balance of support for all components of the court process,” the Committee stated, “in order to advance the overriding purpose of ‘overcom[ing] congestion in the Courts, the most dominant problem in the criminal justice system’” (quoting the Office of National Drug Control Policy).

This formula grant program awards money to the states, the District of Columbia, Puerto Rico and other U.S. territories according to a population-based formula. A state’s governor designates a state administering agency (SAA), which, with the assistance of state and local officials involved in the criminal justice system, formulates a “comprehensive strategy” designed to improve that system. The 27 legislatively authorized purpose areas span virtually every aspect of the criminal justice system. A smaller program of Byrne “discretionary” grants (approximately one-tenth the amount of annual appropriations) is awarded directly by BJA (i.e., at the discretion of BJA rather than the states) to national, state or local programs encompassing the same purpose areas.

Authorized purpose areas under which defender programs have been able to obtain Byrne formula grant awards include, in addition to the specific mention of “defender resources” added in 1990 (purpose area 10):

- *Identifying and meeting the treatment needs of adult and juvenile drug- and alcohol-dependent offenders (Area 13).*
- *Criminal justice information systems (Area 15b).*
- *Alternatives to detention, jail and prison for persons who pose no danger to the community (Area 20).*
- *Demonstrating innovative approaches to the adjudication of drug offenses and other serious crimes (Area 16).*
- *Assisting in the litigation of death penalty habeas corpus petitions (a special provision included in appropriations bills each year, rather than in the enumerated list contained in the program’s authorizing legislation).*

Each state, through its SAA, has complete discretion to allocate its formula allotment as it sees fit among the 27 specified purpose areas and among criminal justice-related agencies within the state.

Though no agency may receive a Byrne award for the same project for more than four consecutive years, further awards to an agency for different projects or purposes are common.

Appropriations for Byrne formula grants were \$505 million in fiscal year 1998, \$505 million in 1999, \$500 million in 2000, and \$499 million in 2001. The specific allocation of the FY 2001 appropriation among the states is available at [www.ojp.usdoj.gov/BJA/html/2001fund.htm](http://www.ojp.usdoj.gov/BJA/html/2001fund.htm). The expected appropriation for FY 2002 is \$500 million.

Since 1990, NLADA has provided information and technical assistance to indigent defense programs interested in applying for Byrne formula grants. Each year, NLADA surveys all defender programs in its database in all 50 states, the District of Columbia and Puerto Rico to determine how successful indigent defense programs have been in obtaining funds. Questionnaires are also sent to all of the SAAs, which are followed up with several rounds of telephone reminders.

The survey asks each defender program and SAA whether indigent defense was included in the state plan for the applicable fiscal year, whether a defender program received Byrne funds, and for what purposes. If indigent defense was not included in the state plan, the questionnaire asked for an explanation and whether or not defender programs were able to apply for the funds notwithstanding the exclusion.

All 50 states, the District of Columbia and Puerto Rico responded to the survey.

## Findings

The amount of Byrne funds received by indigent defense remains a small proportion of the justice-assistance aid given to the states. After peaking at \$8,712,944 in 1997 (the highest amount since 1991 and 1992) States awards of Byrne formula grant funds to indigent defense decreased in 1998 and rose slightly in 1999. States gave indigent defense programs a total of \$7.26 million in Byrne formula grants in FY 1999, up from \$7.13 million in FY 1998. This compares with almost \$10 million in 1991 and \$8.8 million in 1992.

Due to the states' unrestricted discretion in allocating Byrne formula grant funding among the 27 authorized purpose areas, there is wide variation among the states in their inclusion of indigent defense programs. **Sixteen** states (32%) have never awarded any Byrne formula grant funds to indigent defense in the ten years that defender access to Byrne formula grants has been tracked through surveys such as the instant one. Among these states are ones in which the governor has exercised his discretion to designate the Byrne SAA by designating agencies that are exclusively oriented toward prosecution (such as Hawaii, North Dakota, New Hampshire, New Jersey, Oklahoma, and South Dakota) or policing (such as Alaska, Idaho, Louisiana, Mississippi, Oregon, Texas and Wyoming). **Two** states have only allocated funds to indigent defense in **one** out of those ten years, and **three** states have only allocated funds to indigent defense twice in the same ten-year period. **California**, which regularly allocated funds to indigent defense for the first nine years, reported allocating no funds to indigent defense for the first time in 1999.

For FY 1998 and 1999, **fifteen** states used formula grants to support indigent defense in **both** years.

**Twenty-nine** states awarded no grants to defenders. **Southern** states allocated the least – about 8.9 percent of the total dollars received by indigent defense programs nationally – while the northeast states accounted for approximately 35 percent of all Byrne grants to defender programs.

## Fiscal Year 1998

In FY 1998, Congress allocated \$499,941,800 of Byrne formula grants to the states, the District of Columbia and Puerto Rico, which in turn awarded \$7,132,083, or about 1.42 percent, to defender programs. Southern states awarded the least amount as a percentage of total state Byrne grant awards (0.41 percent) and the second least amount to defender programs in dollars (\$660,419). The Northeast states gave defenders the most Byrne funds (\$2,796,175 representing 4.68 percent of total allocations). Connecticut granted the most Byrne monies as a percentage of total available funds to defender programs, allocating 17.37 percent of its award. Other jurisdictions above the national average were Arizona (4.79 percent), Delaware (13.23 percent), Illinois (4.46 percent), Indiana (3.58 percent), Maryland (3 percent), Minnesota (2.59 percent), Montana (1.58 percent), Nebraska (3.94 percent), New York (5.29 percent), Puerto Rico (2.59 percent), Tennessee (4.71 percent), Vermont (1.8 percent) and Washington (2.94 percent).

Thirty-five states did not allocate any Byrne funds to indigent defense. Eleven of these were in the South, eight in the Midwest, seven in the West, four in the Northeast and three in the Mid-Atlantic.

## Fiscal Year 1999

Total Byrne formula grant appropriations decreased by \$277,800 in FY 1999. Although the amount of awards to defender programs increased slightly (\$125,512) the proportion of grants to defender programs increased by less than 0.1 percent. Of the eighteen states that granted Byrne funds to defender programs in FY 1998, eight decreased and six increased the amount of funding as a percentage of their total Byrne grant allocation in 1999. Five states that had not allocated funds in 1998 did so in 1999. On average, jurisdictions awarded 1.45 percent of

their total Byrne monies to indigent defense.

Southern states allocated the least funds to defender programs in both dollars (\$626,090) and as a percentage of total state Byrne grant awards (0.39 percent) while the Northeast gave defenders the most Byrne funds (\$2,217,619 representing 3.73 percent of total awards). In FY 1999, Delaware granted the most Byrne monies as a percentage of total available funds to defender programs, allocating 20.69 percent of its

award. Other jurisdictions above the national average were Arizona (4.21 percent), Connecticut (12.07 percent), District of Columbia (3.22 percent), Illinois (5.60 percent), Indiana (3.58 percent), Iowa (1.89 percent), Maryland (2.83 percent), Minnesota (2.05 percent), Nebraska (3.95 percent), New York (4.24 percent), Rhode Island (3.69 percent), Tennessee (5.59 percent), Vermont (1.81 percent), Washington (2.95 percent), and Wisconsin (1.82 percent).

## Other Federal Grant Programs

Indigent defense survey participants were also asked to supply information about other federal programs (e.g., Juvenile Accountability Incentive Block Grants, Local Law Enforcement Block Grants, Drug Courts Program Office, Weed and Seed, Office of Juvenile Justice and Delinquency Prevention, Open Solicitation by the Bureau of Justice Assistance, Crime Identification Technology Act, Center for Substance Abuse Treatment, and others) from which their programs received grant funding, indicating the amount of the grant, and a description of the project funded.

### Juvenile Accountability Incentive Block Grants

The Office of Juvenile Justice and Delinquency Prevention (OJJDP), a program in the Office of Justice Programs, U.S. Department of Justice, administers the **Juvenile Accountability Incentive Block Grants** (JAIBG) program.

Funds are provided as block grants to States that have implemented, or are considering implementation of legislation and/or programs promoting greater accountability in the juvenile justice system. Local and tribal governments can then apply for funds to support local accountability programs.

Guidelines for this \$250 million program (FY 2001 appropriation) can be found at

<http://ojjdp.ncjrs.org/jaibg/2000GManual.pdf>.

Funds are available in twelve program purpose areas, including Purpose Area 3 which provides for the hiring additional juvenile judges, probation officers, and “**court-appointed defenders,**” and funding pre-

trial services for juveniles, to ensure the smooth and expeditious administration of the juvenile justice system.

Most of the money goes counties, thus becoming available to county public defenders. OJJDP makes grants to states within 30–45 days of a state’s application, and 75 percent of the grant must be passed through to counties or other units of local government. The legislation targets counties with higher crime rates and population density, and OJJDP officials estimate that less than one-quarter of the nation’s 3,000 counties will qualify. At both the state and local level, the decision of how to divide up a grant among the 12 authorized purpose areas is the responsibility of a Juvenile Crime Enforcement Coalition (JCEC). OJJDP officials advise NLADA that a public defender would be an appropriate member of a JCEC, though not one of the eight members mandated in the legislation.

Both state and county defenders should make early contact with the state JCEC to urge defender inclusion in the state plan. Though defenders are eligible for representation on the state JCEC, most states are likely to rely upon their existing juvenile justice planning body – the State Advisory Group, or SAG, which administers other OJJDP grant funds – rather than create a new body. The state plan need not be drafted before the June 30 application deadline.

For county defenders in the 500 to 800 counties expected to qualify, the first step would be contacting the chief executive of the county to request representation on the local JCEC, followed by efforts to

obtain inclusion in the spending plan designed by the JCEC. Defenders must be proactive; the program contains no requirement for a public notice or hearing in shaping the spending plan.

Grant totals for the states range from \$22 million for California and \$12 million for New York to approximately \$2 million for the smallest states. Most of the information about the program, including guidelines, application materials and the legislation, is on the OJJDP web site at <http://ojjdp.ncjrs.org/jaibg/>.

Selected examples of JAIBG funding recipients include:

- *Los Angeles County Public Defender (California) received \$1,239,592 in 1998 and \$1,161,925 in 1999 toward their Client Assessment Recommendation Evaluation (C.A.R.E.) Project. This project funded deputy public defenders in referring juveniles to C.A.R.E. social workers for an assessment of needs and appropriate response.*
- *San Jose Public Defender Office (California) received \$33,000 for a Mentorship Program.*
- *The District of Columbia received \$262,101 to fund positions and support the work of two special educational and two public benefits attorneys in 1998.*
- *The Office of the Public Defender County of Genesee (New York) reported receiving \$9,552 in 1999.*
- *Berks County Public Defender's Office (Pennsylvania) reported receiving a \$68,028 for an additional public defender.*

## Office of Juvenile Justice and Delinquency Prevention

OJJDP provides funding to States, territories, localities, and private organizations through block grants and discretionary funding. Block funding, through regular Formula Grants and State Challenge and Prevention money, goes to States and territories. Juvenile Justice Specialists administer funding through subgrants to States and localities. Discretionary funding is awarded through competitive peer review. OJJDP solicits public comments on proposed program plans through the *Federal Register*. In addition,

OJJDP invites unsolicited proposals for funding consideration.

OJJDP's programs and mandates are based on the Juvenile Justice and Delinquency Prevention Act of 1974 and subsequent amendments. Each reauthorization and amendment changes the way that the administration approaches juvenile justice and delinquency prevention. OJJDP is currently in the midst of reauthorization and the final outcome is difficult to predict. OJJDP follows a planning process (<http://ojjdp.ncjrs.org/grants/block3.html>) to assist with decisions for program priorities and funding opportunities.

Program announcements and solicitations for discretionary funding opportunities are published as they become available and are distributed through bulk mailings, the OJJDP web site (<http://ojjdp.ncjrs.org/grants/grants.html>), and fax-on-demand from the Juvenile Justice Clearinghouse (JJC). The announcements and solicitations provide details about specific funding opportunities, including eligibility requirements and deadlines.

Selected examples of OJJDP funding recipients include:

- *The Los Angeles Public Defender (California) received \$118,000 in 1998 and \$339,250 in 1999 to fund Temporary Aid to Needy Families (T.A.N.F.). This project funds public defender social workers in assessing post-disposition status of juveniles and making recommendations to court.*
- *The Office of the Public Defender for the State of Maryland reported a \$70,000 grant for their Educational Development Unit to advise juvenile clients.*
- *Lancaster County Public Defender Office (Nebraska) received \$46,220 in 1998 for their Detention Alternatives Project, aimed at reducing the disproportionate numbers of minority youth held in secure detention in Lancaster County and their length of stay. The grant money funds a juvenile detention expediter whose primary responsibility is to assess, explore and recommend community alternatives to secure detention.*
- *A grant of \$84,000 was awarded in Virginia (information supplied by Byrne SAA) to establish a Juvenile Serious Offender Advocate position.*

## Local Law Enforcement Block Grants

Despite the police-oriented name, the Local Law Enforcement Block Grants (LLEBG) Program presents a significant funding opportunity for defender programs. The \$530 million appropriated by Congress for FY 2001 can be used by units of local government for purposes including:

- “Enhancing the adjudication process of cases involving violent offenders,” especially juveniles.
- “Establishing early intervention and prevention programs for juveniles to reduce or eliminate crime.”
- Any other purpose which will contribute to reducing crime and improving public safety.
- “Enhancing programs” which are qualified for funding under the Byrne formula grant program.

Other purpose areas specified include general aid for local police and school security. Specific funding choices will be made at the local level.

Funding prospects for defenders may be improved by designing a cooperative program together with local prosecutors, judges, probation or school officials, or treatment or other prevention programs.

The process is started by an application made to the Bureau of Justice Assistance by the mayor or county executive of a unit of local government. That official, before submitting the application, must establish an advisory board to devise a plan for spending the money, although the plan is not formally binding on the official. The advisory board must include, “but is not limited to,” representatives from the local prosecutor’s office, the local court system, the local public school system, and a local nonprofit group involved in any aspect of crime prevention or drug prevention or treatment.

The maximum amount payable to any local jurisdiction is tied to the jurisdiction’s proportion of the state’s overall violent crime, and the state’s proportion of the national \$530 million total is tied to its proportion of the nation’s violent crime.

Any money within a state’s proportional allocation which is not distributed locally through this type of application process will simply be given to the police in the state (through whatever administrative office is designated by the governor), and spending decisions will be made by police without input from a multi-disciplinary advisory board.

Defender offices interested in receiving funding under this program should 1) ensure that the local mayor or county executive is aware of the program and is planning an application, and 2) request representation on the advisory board, on the grounds that defender offices, as offender representatives, are indispensable to the design and success of programs which work constructively with offenders involved in any stage of the criminal justice system.

Information on how to apply is available from the Justice Department, at <http://www.ojp.usdoj.gov/BJA/html/llebg1.htm>.

Selected examples of LLEBG funding recipients include:

- *Los Angeles County Public Defender (California)* received \$1,497,704 in 1998 and \$602,281 in 1999 for alternative sentencing and effective preparation of complex violent felony cases to in an effort to expedite the processing of these cases.
- *District of Columbia* received \$9,500 to fund training for indigent defense attorneys on DNA, sex offender legislation, child complaints and investigative techniques.
- *Leon County (Florida)* allocated \$20,000 to its drug court in FY 1997 and *Tallahassee (Florida)* allocated \$20,000 to the juvenile drug court in 1997 and 1998.
- *The Office of the State Public Defender (Iowa)* reported receiving \$4,500 under a Local Law Enforcement Block Grant.

## Open Solicitation, Bureau of Justice Assistance

Though formula grants are by far the largest funding stream from Washington DC to states and localities for criminal justice purposes, they are not the only one. The Office of Justice Programs and its grant-making agencies, including the Bureau of Justice Assistance, also receive congressional appropriations to make “discretionary grants” directly to the field, i.e., bypassing state or local planning bodies appointed by the governors, mayors or other officials. In the late 1990’s BJA issued several Open Solicitations for local criminal justice agencies, including indigent defense, seeking funding for innovative projects addressing emerging issues in the criminal justice system, which might not otherwise

receive funding. These grants typically were relatively small (generally less than \$100,000), and had a shortened and simplified application process.

More than 1,300 agencies – representing indigent defense and all other justice-system components – responded to BJA’s second annual Open Solicitation in 1998, and nearly 1,400 responded in 1999.

Although there are currently no plans to conduct another Open Solicitation, interested persons can put their names on a mailing list to receive further information on available funding by calling the National Criminal Justice Reference Service, at (800) 851-3420.

Selected examples of **Open Solicitation** funding recipients include:

- *The Eighth Judicial Administrative District (Georgia)*, received \$80,000 to fund early intervention case management for indigent defense.
- *The El Paso County Public Defender (Texas)* received \$50,971.50 in 1998 for CLE training on Scientific and Technical Issues.
- *The Miami-Dade Public Defender’s Office (Florida)* received \$150,000 for a Juvenile Sentencing Advocacy Project for effective representation of juveniles in adult court.
- *The Defender General (Vermont)* reports receiving \$150,000 to “Identify, Assess & Accommodate Developmental Disabilities of Criminal Defendants.”
- *The Cook County Public Defender’s Office in Chicago (Illinois)* received funds to create and publish a manual for public defenders entitled “Representing Non-Citizen Criminal Defendants in the State of Illinois.”
- *The State Appellate Defender’s Office in Detroit (Michigan)* received funding to provide in-person, phone, and Internet access for private attorneys appointed to criminal cases who need technical assistance on their cases.

A special open solicitation was issued in 1998 exclusively for indigent defense agencies, the Emerging Issues in Indigent Defense Management and Technology Solicitation. Seven grants were awarded to state and local indigent defense programs, totaling some \$350,000.

## **Drug Courts Program Office**

The Drug Courts Program Office (**DCPO**) in the Office of Justice Programs (<http://www.ojp.usdoj.gov/dcpo/about.htm>) offers grants (\$50 million in FY 2001) to jurisdictions to plan, implement or enhance drug courts. More than 500 drug courts are operating in the United States and more than 280 are being planned. All 50 states have drug courts in operation or in the planning stages. Twenty-two states have enacted legislation that authorizes or funds drug courts and 12 additional states are considering such legislation.

Selected examples of **Drug Courts Program Office** funding recipients include:

- *The Chief Public Defender (Connecticut)* reports that in 1998-99, \$1,382,423 in continued and additional federal and state match funds was available to the office under the Anti-Drug Abuse Act of 1988. Portions of these grants were continued and expanded into 1999-00 with funding awarded as follows:
  1. \$169,260 under the New Haven Drug Court grant
  2. \$268,860 under the Drug Court Expansion grant
  3. \$94,940 was awarded under a new Bridgeport Drug Court Expansion grant to staff an attorney and social worker
- *The DCPO* awarded \$160,000 to establish a Public Defender Attorney position in Roanoke’s (**Virginia**) drug court.
- *Dupage County Public Defender (Illinois)* reports receiving funding for a travel study through the Chief Judge’s Office in 1999, which was funded by the Drug Courts Program Office.
- *The New Mexico Public Defender Department* received \$5,000 in Drug Court Program Office funds.

## **Weed and Seed**

The U.S. Department of Justice’s Weed and Seed’s \$34 million program to designate local jurisdictions to “weed” out crime and “seed” blighted areas with crime prevention programs was developed to demonstrate an innovative and comprehensive approach to law enforcement and community revitalization, and

to prevent and control violent crime, drug abuse, and gang activity in target areas.

Weed and Seed integrates law enforcement, community policing, prevention, intervention, treatment, and neighborhood restoration efforts. The Weed and Seed program is being implemented in more than 150 communities across the country.

The Executive Office for Weed and Seed (<http://www.ojp.usdoj.gov/eows/>) within the Office of Justice Programs is responsible for overall program policy, coordination, and development

### **Crime Identification Technology Act**

This \$130 million grant program to states can assist defenders in integrating their technology systems with other criminal justice agencies. It is administered by the Office of Justice Programs.

The program's authorizing legislation does not specifically mention indigent defense as an essential component of justice system technology integration, but the language is broad enough to allow defender inclusion. The general purpose of the new State Grant Program for Criminal Justice Identification, Information and Communication is to help states "establish or upgrade an integrated approach to develop information and identification technologies and systems." Grants may be used by states "for programs to establish, develop, update, or upgrade" 16 types of applications, including: "integrated criminal justice information systems to manage and communicate criminal justice information among law enforcement agencies, courts, prosecutors, and corrections agencies," and "court-based criminal justice information systems that promote ... compatibility with, and integration of, court systems with other criminal justice information systems."

The program is new (FY 2000 was the first year in which it was funded), and there are no reported instances of defender programs receiving funding under it. For more information, see <http://www.ojp.usdoj.gov/cita/welcome.html>.

### **Center for Substance Abuse Treatment**

The Center for Substance Abuse Treatment (CSAT) of the Substance Abuse and Mental Health Services Administration (SAMHSA), U.S. Department of

Health and Human Services (DHHS), was created in October 1992 with a congressional mandate to expand the availability of effective treatment and recovery services for alcohol and drug problems.

CSAT grants are aimed at improving the lives of individuals and families affected by alcohol and drug abuse by ensuring access to clinically sound, cost-effective addiction treatment that reduces the health and social costs to our communities and the nation.

For more information see:

<http://www.samhsa.gov/centers/csat/csat.html>.

Though it may be feasible for a defender program to qualify for funding to establish treatment-related capacity (such as hiring a social worker or treatment coordinator devoted to assessing, placing or monitoring clients in treatment), no defender programs responding to the survey reported either receiving or seeking CSAT funding.

## **Summary of Contents**

The first table presents all dollar amounts from the present survey and past reports dating back to 1990. The second table shows the total amount of Byrne grant monies received by each jurisdiction in FY 1996 and 1997, the percentage each jurisdiction allocated to indigent defense programs, and the percent change of that allocation between the two fiscal years.

Following the tables is a state-by-state narrative summary, indicating whether indigent defense was included in the state plan for FY96/97, which programs received funds, how much, and for what purposes.

Also included in this report is the *Bureau of Justice Assistance Fact Sheet*, which lists the authorized program areas eligible for funding and a list of each jurisdiction's SAA.

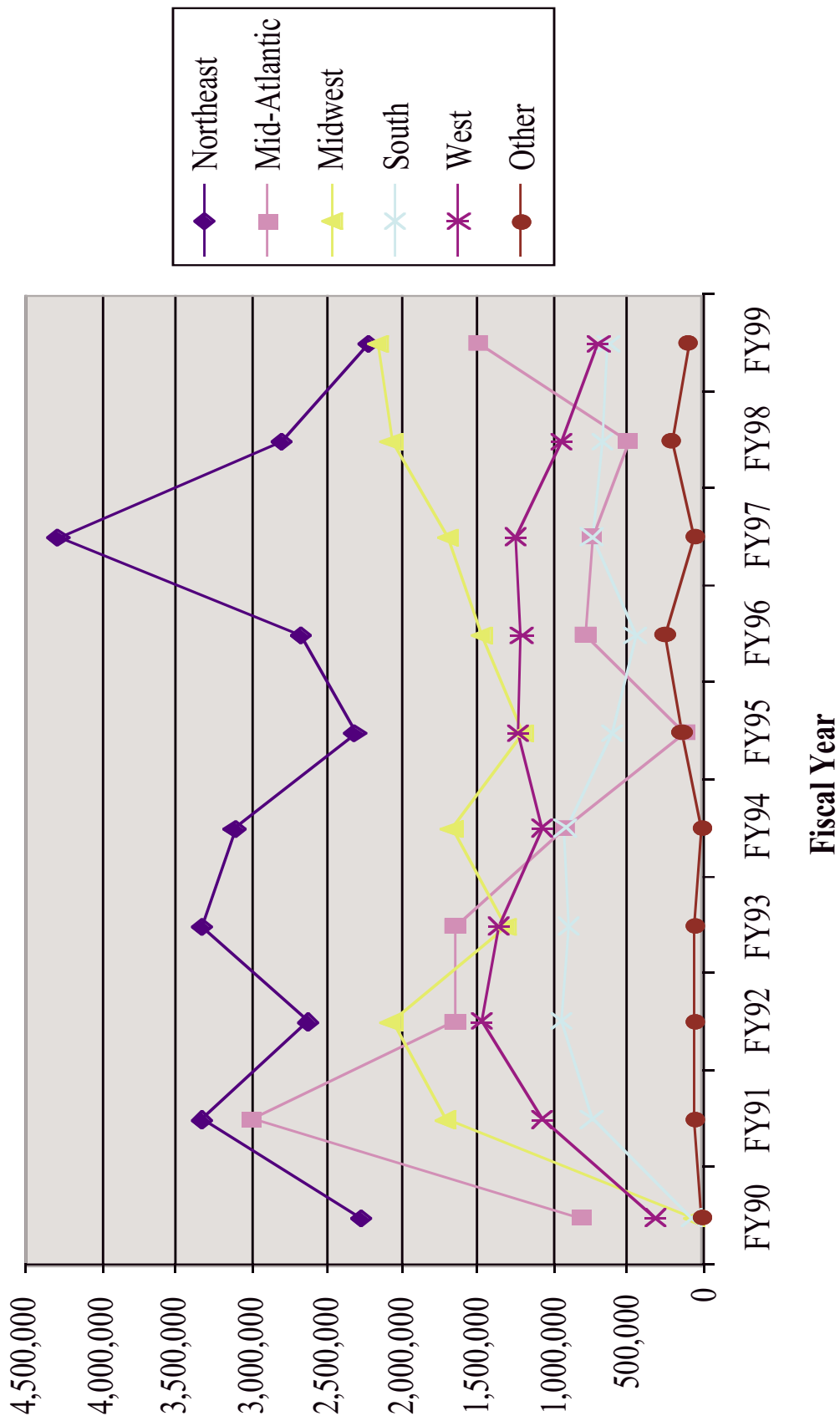
*Copies of this report are available free to NLADA members and \$5.00 to non-members prepaid. Contact NLADA, Defender Division, 1625 K Street, NW, Eighth Floor, Washington, DC 20006, (202) 452-0620. The report is also available in its entirety at [www.nlada.org](http://www.nlada.org)*

## 10 Year-Byrne Formula Grant Funds Awarded To Indigent Defense Programs

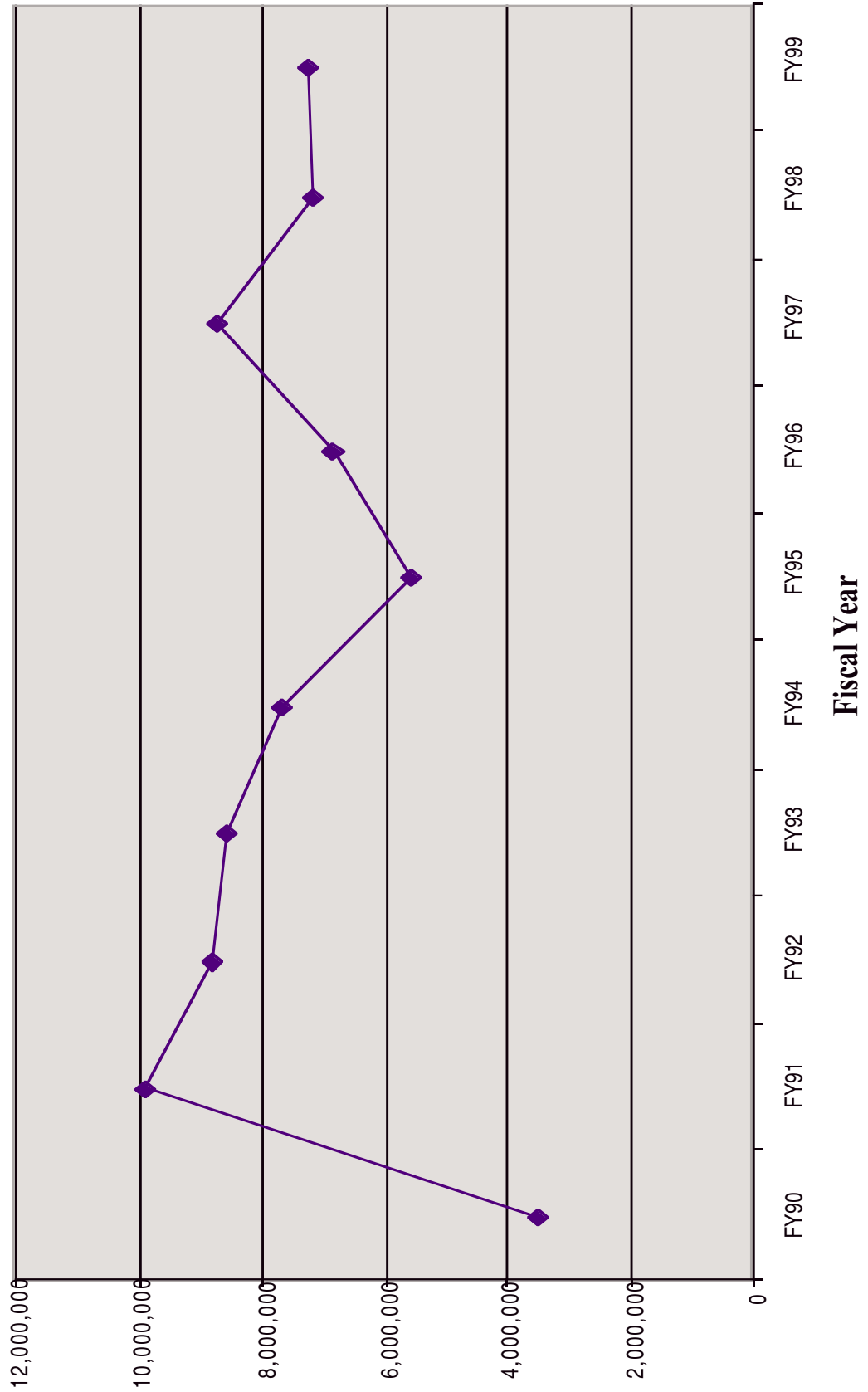
|                    | FY 99            | FY 98            | FY 97              | FY 96              | FY 95              | FY 94              | FY 93              | FY 92              | FY 91              | FY 90              | TOTAL               |
|--------------------|------------------|------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|---------------------|
| <b>NORTHEAST</b>   | <b>2,217,679</b> | <b>2,796,175</b> | <b>\$4,280,181</b> | <b>\$2,668,753</b> | <b>\$2,307,526</b> | <b>\$3,109,850</b> | <b>\$3,328,052</b> | <b>\$2,617,840</b> | <b>\$3,331,748</b> | <b>\$2,257,391</b> | <b>\$23,301,941</b> |
| Connecticut        | 785,404          | 1,136,525        | 1,234,263          | 665,182            | 326,486            | 235,443            | 519,150            | 444,150            | 632,047            | 400,000            | 4,456,721           |
| Maine              | 0                | 0                | 0                  | 0                  | ---                | 0                  | ---                | ---                | 0                  | 0                  | 0                   |
| Massachusetts      | 0                | 0                | 0                  | 0                  | 0                  | 0                  | 0                  | 0                  | 0                  | 600,000            | 600,000             |
| N Hampshire        | 0                | 0                | 0                  | 0                  | 0                  | 0                  | 0                  | 0                  | 0                  | 0                  | 0                   |
| New York           | 1,287,275        | 1,619,650        | 2,905,918          | 1,863,571          | 1,701,040          | 2,616,840          | 2,713,902          | 2,138,690          | 2,665,701          | 1,217,391          | 17,823,053          |
| Rhode Island       | 105,000          | 0                | 105,000            | 105,000            | 245,000            | 222,567            | 60,000             | 0                  | 0                  | 0                  | 737,567             |
| Vermont            | 40,000           | 40,000           | 35,000             | 35,000             | 35,000             | 35,000             | 35,000             | 35,000             | 34,000             | 40,000             | 278,000             |
| <b>MIDATLANTIC</b> | <b>1,486,815</b> | <b>496,040</b>   | <b>740,424</b>     | <b>775,820</b>     | <b>117,112</b>     | <b>911,735</b>     | <b>1,642,600</b>   | <b>1,646,209</b>   | <b>2,983,765</b>   | <b>800,000</b>     | <b>9,885,080</b>    |
| Delaware           | 504,000          | 321,840          | 321,400            | 327,000            | 97,269             | 0                  | 0                  | 287,143            | 358,930            | 400,000            | 1,791,742           |
| D.C.               | 618,000          | 0                | 0                  | 114,000            | 0                  | 0                  | 0                  | 100,000            | 175,000            | 0                  | 389,000             |
| Maryland           | 267,415          | 0                | 265,000            | 265,000            | 0                  | 760,000            | 575,294            | 550,200            | 875,000            | 0                  | 3,290,494           |
| New Jersey         | 0                | 0                | 0                  | 0                  | 0                  | 151,735            | 1,067,306          | 708,866            | 1,574,835          | 400,000            | 3,902,742           |
| Pennsylvania       | 97,400           | 174,200          | 154,024            | 69,820             | 19,843             | 0                  | 0                  | 0                  | 0                  | 0                  | 243,687             |
| <b>MIDWEST</b>     | <b>2,141,887</b> | <b>2,064,334</b> | <b>1,690,970</b>   | <b>1,468,703</b>   | <b>1,201,780</b>   | <b>1,659,991</b>   | <b>947,035</b>     | <b>2,062,849</b>   | <b>1,710,931</b>   | <b>50,000</b>      | <b>10,792,259</b>   |
| Illinois           | 1,139,215        | 909,215          | 990,081            | 852,020            | 195,941            | 672,996            | 150,000            | 665,000            | 684,559            | 0                  | 4,210,597           |
| Indiana            | 382,440          | 382,747          | 295,000            | 295,000            | 555,767            | 353,300            | 353,300            | 654,711            | 280,000            | 0                  | 2,434,161           |
| Iowa               | 110,732          | 0                | 118,089            | 18,228             | 31,000             | 83,715             | 75,672             | 7,469              | 7,694              | 0                  | 341,867             |
| Kansas             | 0                | 0                | 0                  | 0                  | 0                  | 0                  | 0                  | 29,250             | 39,000             | 0                  | 68,250              |
| Michigan           | 0                | 0                | 0                  | 0                  | 0                  | ---                | 115,000            | 110,000            | 120,000            | 0                  | 345,000             |
| Minnesota          | 180,000          | 228,056          | 160,000            | 161,800            | 158,100            | 25,000             | 159,300            | 159,300            | 162,678            | 50,000             | 1,036,178           |
| Missouri           | 0                | 389,316          | --                 | 57,655             | 103,740            | 368,870            | 137,543            | 137,657            | 138,000            | 0                  | 885,810             |
| Nebraska           | 155,000          | 155,000          | 127,800            | 84,000             | 0                  | 13,503             | 16,000             | 54,086             | 9,000              | 0                  | 304,389             |
| North Dakota       | 0                | 0                | 0                  | 0                  | 0                  | 0                  | 0                  | 0                  | 0                  | 0                  | 0                   |
| Ohio               | 0                | 0                | 0                  | 0                  | 157,232            | 142,607            | 293,137            | 245,376            | 220,000            | 0                  | 1,058,352           |
| South Dakota       | 0                | 0                | 0                  | 0                  | 0                  | ---                | 0                  | 0                  | 50,000             | 0                  | 50,000              |
| Wisconsin          | 174,500          | 0                | 0                  | 0                  | 0                  | 0                  | 0                  | 0                  | 0                  | 0                  | 0                   |

|              | 626,090          | 660,419          | 727,927          | 442,298          | 600,844          | 918,185          | 877,998          | 928,798          | 724,052          | 60,900           | 5,232,471         |
|--------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|-------------------|
| <b>SOUTH</b> |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                   |
| Alabama      | 0                | 0                | ---              | ---              | ---              | ---              | ---              | 0                | 0                | 0                | 0                 |
| Arkansas     | 0                | 0                | 97,971           | 101,561          | 84,914           | 36,107           | 0                | 32,000           | 32,000           | 0                | 384,553           |
| Florida      | 0                | 0                | 0                | 0                | 0                | 0                | 125,000          | 160,000          | ---              | 0                | 285,000           |
| Georgia      | 0                | 93,448           | 0                | 0                | 0                | 60,000           | 60,000           | 70,100           | 110,400          | 0                | 300,500           |
| Kentucky     | 74,000           | 103,000          | 224,000          | 224,000          | 89,643           | 0                | 0                | 101,100          | 68,379           | 0                | 658,591           |
| Louisiana    | 0                | 0                | 0                | 0                | 20,000           | 19,204           | 63,205           | 134,206          | 85,000           | 60,900           | 382,515           |
| Mississippi  | 0                | 0                | 0                | 0                | 0                | ---              | 0                | 0                | 0                | 0                | 0                 |
| N Carolina   | 0                | 0                | 0                | 0                | ---              | 0                | 0                | 0                | 0                | 0                | 0                 |
| Oklahoma     | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                 |
| S Carolina   | 0                | 0                | 41,263           | 0                | 225,959          | 376,404          | 334,363          | 225,392          | 124,137          | 0                | 1,327,518         |
| Tennessee    | 552,090          | 463,971          | 364,693          | 116,737          | 180,328          | 426,470          | 295,430          | 206,000          | 304,136          | 0                | 1,893,794         |
| Texas        | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                 |
| Virginia     | 0                | 0                | 0                | 0                | ---              | 0                | 0                | 0                | 0                | 0                | 0                 |
| W Virginia   | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                 |
|              |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                   |
| <b>WEST</b>  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                   |
| Arizona      | 688,279          | 923,593          | 1,233,442        | 1,200,949        | 1,222,751        | 1,068,836        | 1,357,549        | 1,453,784        | 1,064,000        | 308,000          | 10,521,183        |
| California   | 360,787          | 402,995          | 320,157          | 317,238          | 0                | 0                | ---              | 136,960          | 0                | 0                | 774,355           |
| Colorado     | 0                | 178,210          | 901,511          | 883,711          | 917,518          | 853,836          | 1,057,719        | 996,824          | 789,000          | 250,000          | 6,650,119         |
| Idaho        | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                 |
| Montana      | 24,941           | 42,388           | 11,774           | 0                | 5,233            | 0                | 0                | 0                | 0                | 0                | 17,007            |
| Nevada       | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 4,000            | 5,000            | 0                | 9,000             |
| N Mexico     | 0                | 0                | 0                | 0                | 0                | 0                | 85,000           | 85,000           | 100,000          | 50,000           | 320,000           |
| Oregon       | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                 |
| Utah         | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                 |
| Washington   | 302,551          | 300,000          | 0                | 0                | 300,000          | 215,000          | 214,830          | 231,000          | 170,000          | 8,000            | 1,138,830         |
| Wyoming      | 0                | 0                | 0                | 0                | ---              | 0                | 0                | 0                | 0                | 0                | 0                 |
|              |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                   |
| <b>OTHER</b> |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                   |
| Alaska       | 96,845           | 191,552          | 40,000           | 241,300          | 125,000          | 0                | 41,250           | 52,500           | 46,891           | 0                | 546,941           |
| Hawaii       | 0                | 0                | 0                | 0                | ---              | 0                | ---              | ---              | 0                | 0                | 0                 |
| Puerto Rico  | 96,845           | 191,552          | 40,000           | 241,300          | 125,000          | 0                | 41,250           | 52,500           | 46,891           | 0                | 140,641           |
|              |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                   |
| <b>TOTAL</b> | <b>7,257,595</b> | <b>7,132,083</b> | <b>8,712,944</b> | <b>6,797,823</b> | <b>5,575,013</b> | <b>7,668,597</b> | <b>8,547,401</b> | <b>8,761,980</b> | <b>9,861,387</b> | <b>3,476,291</b> | <b>73,791,114</b> |

### 10 Year Byrne Grants Awarded to Indigent Defense Program



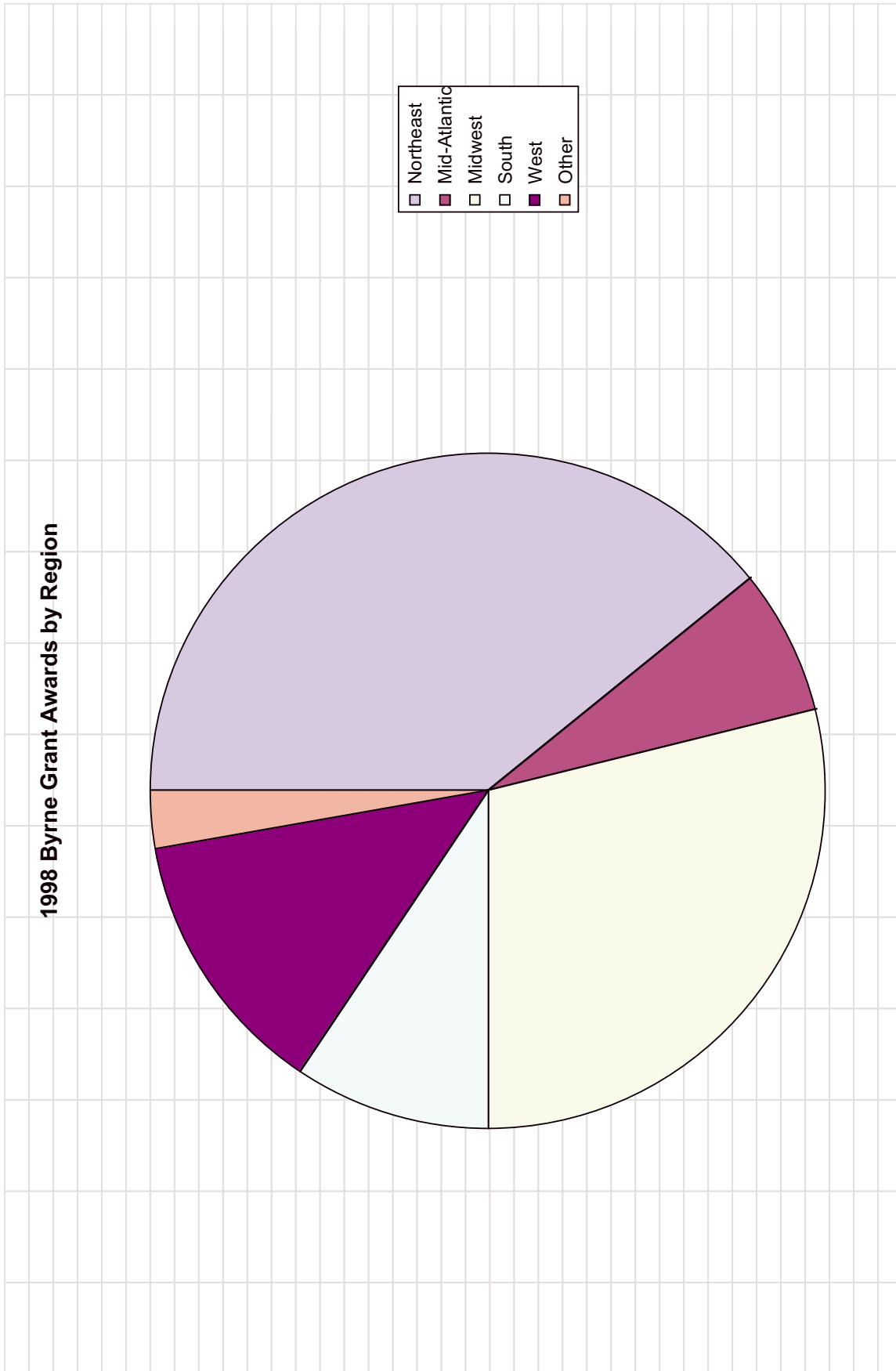
### 10 Year Byrne Grants Awarded to Indigent Defense Programs



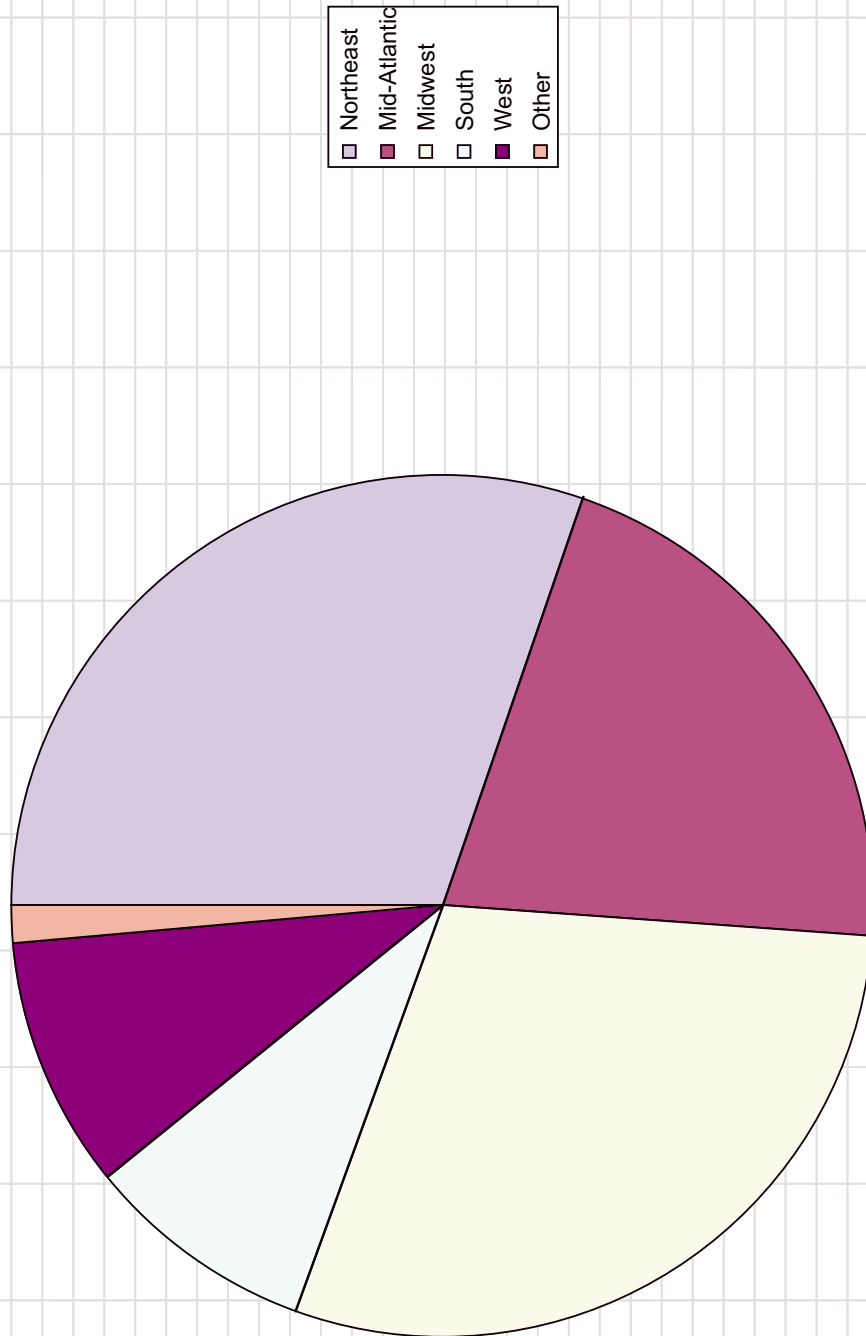
**FEDERAL AWARDS OF BYRNE FORMULA GRANTS TO STATES  
AND PERCENTAGE ALLOCATED TO DEFENDER PROGRAMS  
FY 1998-1999**

| <b>REGION AND STATE</b> | <b>FY 1998 Award to State</b> | <b>% Granted to Defender Programs FY1998</b> | <b>FY 1999 Award to State</b> | <b>% Granted to Defender Programs FY1999</b> | <b>Change in %</b> |
|-------------------------|-------------------------------|--|-------------------------------|--|--------------------|
| <b>NORTHEAST</b>        | <b>59,739,000</b>             | <b>4.68</b>                                  | <b>59,344,000</b>             | <b>3.73</b>                                  | <b>-0.95</b>       |
| Connecticut             | 6,547,000                     | 17.37  | 6,503,000                     | 12.07  | -5.28              |
| Maine                   | 3,269,000                     | 0  | 3,253,000                     | 0  | 0                  |
| Massachusetts           | 11,096,000                    | 0  | 11,066,000                    | 0  | 0                  |
| New Hampshire           | 3,139,000                     | 0  | 3,142,000                     | 0  | 0                  |
| New York                | 30,614,000                    | 5.29   | 30,329,000                    | 4.24   | -1.05              |
| Rhode Island            | 2,861,000                     | 0  | 2,845,000                     | 3.69   | 3.69               |
| Vermont                 | 2,213,000                     | 1.80   | 2,206,000                     | 1.81   | 0.01               |
| <b>MIDATLANTIC</b>      | <b>48,897,000</b>             | <b>1.38</b>                                  | <b>48,664,000</b>             | <b>3.05</b>                                  | <b>1.67</b>        |
| Delaware                | 2,432,000                     | 13.23  | 2,435,000                     | 20.69  | 7.46               |
| District of Columbia    | 2,139,000                     | 0  | 2,110,000                     | 3.22   | 3.22               |
| Maryland                | 9,448,000                     | 0  | 9,426,000                     | 2.83   | 2.83               |
| New Jersey              | 14,156,000                    | 0  | 14,168,000                    | 0  | 0                  |
| Pennsylvania            | 20,722,000                    | 0.84   | 20,525,000                    | 0.47   | -0.37              |
| <b>MIDWEST</b>          | <b>115,355,000</b>            | <b>1.45</b>                                  | <b>113,248,000</b>            | <b>1.89</b>                                  | <b>.50</b>         |
| Illinois                | 20,384,000                    | 4.46   | 20,327,000                    | 5.6  | 1.10               |
| Indiana                 | 10,690,000                    | 3.58   | 10,660,000                    | 3.58   | 0                  |
| Iowa                    | 5,865,000                     | 0  | 5,834,000                     | 1.89   | 1.89               |
| Kansas                  | 5,414,000                     | 0  | 5,421,000                     | 0  | 0                  |
| Michigan                | 16,748,000                    | 0  | 16,926,000                    | 0  | 0                  |
| Minnesota               | 8,780,000                     | 2.59   | 8,771,000                     | 2.05   | -.50               |
| Missouri                | 9,912,000                     | 1.78   | 9,920,000                     | 0  | -1.78              |
| Nebraska                | 3,929,000                     | 3.94   | 3,918,000                     | 3.95   | .01                |
| North Dakota            | 2,301,000                     | 0  | 290,000                       | 0  | 0                  |
| Ohio                    | 19,296,000                    | 0  | 19,189,000                    | 0  | 0                  |
| South Dakota            | 2,445,000                     | 0  | 2,445,000                     | 0  | 0                  |
| Wisconsin               | 9,591,000                     | 0  | 9,547,000                     | 1.82   | 1.82               |

|                |                    |             |                    |             |              |
|----------------|--------------------|-------------|--------------------|-------------|--------------|
| <b>SOUTH</b>   | <b>157,708,800</b> | <b>0.41</b> | <b>158,433,000</b> | <b>0.39</b> | <b>-0.02</b> |
| Alabama        | 8,160,000          | 0           | 8,184,000          | 0           | 0            |
| Arkansas       | 5,313,000          | 0           | 5,306,000          | 0           | 0            |
| Florida        | 24,505,000         | 0           | 24,747,000         | 0           | 0            |
| Georgia        | 13,131,000         | .71         | 13,260,000         | 0           | 0            |
| Kentucky       | 7,531,000          | 1.36        | 7,526,000          | 0.98        | -0.38        |
| Louisiana      | 8,285,000          | 0           | 8,237,000          | 0           | 0            |
| Mississippi    | 5,646,800          | 0           | 5,638,000          | 0           | 0            |
| North Carolina | 13,082,000         | 0           | 13,162,000         | 0           | 0            |
| Oklahoma       | 6,590,000          | 0           | 6,578,000          | 0           | 0            |
| South Carolina | 7,233,000          | 0           | 7,288,000          | 0           | 0            |
| Tennessee      | 9,849,000          | 4.71        | 9,865,000          | 5.59        | 0.88         |
| Texas          | 32,137,000         | 0           | 32,416,000         | 0           | 0            |
| Virginia       | 12,037,000         | 0           | 12,054,000         | 0           | 0            |
| West Virginia  | 4,209,000          | 0           | 4,172,000          | 0           | 0            |
| <b>WEST</b>    | <b>105,459,000</b> | <b>0.87</b> | <b>106,203,000</b> | <b>0.64</b> | <b>-0.13</b> |
| Arizona        | 8,410,000          | 4.79        | 8,562,000          | 4.21        | -.58         |
| California     | 52,716,000         | 0.33        | 52,975,000         | 0           | -0.33        |
| Colorado       | 7,433,000          | 0           | 7,501,000          | 0           | 0            |
| Idaho          | 3,182,000          | 0           | 3,202,000          | 0           | 0            |
| Montana        | 2,682,000          | 1.58        | 2,671,000          | 0.93        | -0.65        |
| Nevada         | 3,850,000          | 0           | 3,950,000          | 0           | 0            |
| New Mexico     | 4,028,000          | 0           | 4,035,000          | 0           | 0            |
| Oregon         | 6,434,000          | 0           | 6,460,000          | 0           | 0            |
| Utah           | 4,491,000          | 0           | 4,562,000          | 0           | 0            |
| Washington     | 10,193,000         | 2.94        | 10,254,000         | 2.95        | 0.01         |
| Wyoming        | 2,040,000          | 0           | 2,031,000          | 0           | 0            |
| <b>OTHER</b>   | <b>12,783,000</b>  | <b>2.59</b> | <b>12,772,000</b>  | <b>1.31</b> | <b>-1.28</b> |
| Alaska         | 2,242,000          | 0           | 2,239,000          | 0           | 0            |
| Hawaii         | 3,173,000          | 0           | 3,164,000          | 0           | 0            |
| Puerto Rico    | 7,368,000          | 2.59        | 7,369,000          | 1.31        | -1.28        |
| <b>TOTAL</b>   | <b>499,941,800</b> | <b>1.4</b>  | <b>498,664,000</b> | <b>1.4</b>  | <b>0</b>     |



1999 Byrne Grant Awards by Region



**INDIGENT DEFENSE PARTICIPATION IN OTHER FEDERAL GRANT PROGRAMS, 1998 & 1999**

|  | Northeast | Mid-Atlantic                | Midwest   | South                                 | West                             | Other   | Total     |
|--|-----------|-----------------------------|-----------|---------------------------------------|----------------------------------|---------|-----------|
| Byrne Grant Funds 1998                                 | 2,796,175 | 496,040                     | 2,064,334 | 660,419                               | 923,593                          | 191,522 | 7,132,083 |
| Byrne Grant Funds 1999                                 | 2,217,679 | 1,486,815                   | 2,141,887 | 626,090                               | 688,275                          | 96,845  | 7,257,595 |
| Juvenile Accountability Incentive Block Grants (JAIBG) | 9,552     | 262,101<br>68,028<br>70,000 | 46,220    |                                       | 1,239,592<br>1,161,925<br>33,000 |         | 2,890,418 |
| Office of Juvenile Justice and Delinquency Prevention  |           |                             |           | 84,000                                | 118,000<br>339,250               |         | 541,250   |
| Local Law Enforcement Block Grants (LLEBG)             |           | 9,500                       | 4,500     | 20,000<br>20,000                      | 1,497,704<br>602,281             |         | 2,153,985 |
| Open Solicitation of Bureau of Justice Assistance      | 150,000   |                             |           | 150,000<br>80,000<br>50,971<br>80,000 | 105,000                          |         | 615,971   |
| Drug Courts Program Office (DCPO)                      | 1,382,423 |                             |           | 160,000                               | 5,000                            |         | 1,547,423 |
| Weed and Seed  |           |                             |           |                                       |                                  |         |           |
| Center for Substance Abuse Treatment (CSAT)            |           |                             |           |                                       |                                  |         |           |

# Jurisdictional Summaries 1998 – 1999

## ALABAMA

**Byrne Funds:** No representative of indigent defense was on the state advisory board, indigent defense was not included in the state plan filed with BJA (no reason given), and no funds were allocated to indigent defense in either 1998 or 1999. No deadline date was set for submitting funding proposals to the state. Byrne funds were awarded (but not to indigent defense) under purpose areas 2, 4, 11, 15a, and 15b, mainly for drug task forces and criminal intelligence programs.

## ALASKA

**Byrne Funds:** An indigent defense representative was on the state advisory board and indigent defense was included in the state plan filed with BJA in 1998, but not in 1999. No funds were allocated to indigent defense either year. The SAA is the Alaska State Troopers. No deadline date has been set for submitting funding proposals to state.

## ARIZONA

**Byrne Funds:** Although no representative of indigent defense was on the state advisory board in either year, funds were allocated for indigent defense.

FY98: the following funds were received:

- *The SAA reported that Maricopa, Gila and Yavapai Counties received \$402,995 under purpose area #10, noting that the forty-eight month funding cap on purpose area # 10 had expired and the program was funded with state money.*

FY99: The following area #10 funding were received:

- *Maricopa County Indigent Defense - five attorneys and two support staff positions totaling, \$337, 213;*
- *Graham County Indigent Defense - \$2,701 for one hundred hours of contract attorneys' defense work;*
- *Gila County - \$20,873 for one attorney. The deadline for submitting funding proposals to the Byrne agency varies from year to year but usually in May.*

**BJA discretionary funds:** The Navajo County Public Defender, a six-attorney office with 2,650 cases annually, received \$35,000 under the **BJA Open Solicitation** for Emerging Issues in Indigent Defense Management and Technology. The project, the Navajo County Public Defender New Millennium Upgrade Project, included purchasing computer case management hardware and software with networking capabilities; training attorneys and staff to access data and calendar information to minimize clients, court and other scheduling conflicts; purchase a fax machine, updated telephones, and audio-visual equipment, to help optimize attorney and support staff time in case preparation and processing. A copy of the grant application was provided. (The Navajo County Public Defender did not apply for FY 1999 Byrne formula grants because it was still spending the \$35,000).

## ARKANSAS

**Byrne Funds:** No representative of indigent defense was on the state advisory board and no funds were allocated to indigent defense. The SAA reports that "prior to January 1, 1998 the financing of public defenders had largely been the responsibility of county governments. Effective January 1, 1998 the state assumed that responsibility. At that point all authorized positions were paid from state revenues." The Arkansas Alcohol and Drug Abuse Coordinating Council determined that it would not be appropriate to use Byrne grant funds to pay for public defender positions in addition to what had been created by the general assembly. The deadline for submitting funding proposals to the Byrne agency is January 20.

## CALIFORNIA

**Byrne Funds:** No representative of indigent defense was on the state advisory board. Indigent defense was included in the state plan for drug control grants for FY98 filed with BJA, and funds were allocated for indigent defense.

**FY98:** The SAA reports that Riverside County received \$178,210 under purpose area #10, of which \$45,334 was for the Deputy Public Defender's salary and the rest for a District Attorney/Public Defender Early Disposition Team (although the Riverside County Public Defender reports no grant money received).

**FY99:** There was an indigent defense representative on the state advisory board. Indigent defense was not included in the state plan, and indigent defense programs did not receive funds through the formula grant program. The Office of Criminal Justice Planning reported that State General Funds are used to provide training to Public Defenders.

The deadline for submitting funding proposals to the Byrne agency is some time in May each year.

**Other Funds:**

- *Los Angeles County Public Defender received **Juvenile Accountability Incentive Block Grants** in the amount of \$1,239,592 in FY 1998 and \$1,161,925 in FY 1999 toward their Client Assessment Recommendation Evaluation (C.A.R.E.) Project. This project funded deputy public defenders in referring juveniles to C.A.R.E. social workers for an assessment of needs and appropriate response.*
- *That office also received \$1,497,704 in 1998 and \$602,281 in 1999 from the **Local Law Enforcement Block Grants** program for alternative sentencing and effective preparation of complex violent felony cases, to expedite the processing of these cases.*
- *The same office also received \$118,000 in FY 1998 and \$339,250 in FY 1999 from the **Office of Juvenile Justice and Delinquency Prevention** to fund Temporary Aid to Needy Families (T.A.N.F). This project funds public defender social workers in assessing post-disposition status of juveniles and making recommendations to court.*
- *The San Jose Public Defender Office received \$33,000 in **Juvenile Accountability Incentive Block Grants** for a Mentorship Program.*
- *The San Diego County Public Defender received \$105,000 under the 1998 **BJA Open Solicitation** to create a new "Homeless Court," a collaborative problem-solving specialty court focused on alternative*

*sentencing, mental health, and veterans' issues (profiled in the cover story of NLADA Indigent Defense, November/December 1999, at <http://www.nlada.org/indig/novdec99/homeless.htm>).*

**COLORADO**

**Byrne Funds:** No representative of indigent defense was on the state advisory board and no funds were allocated to indigent defense. The state administering agency reported that funding announcements were sent to indigent defense programs, but no agencies submitted requests for funding. The deadline for submitting funding proposals is December 10.

**CONNECTICUT**

**Byrne Funds:** A representative of indigent defense was on the state advisory board, and indigent defense was included in the state plan for both 1998 and 1999. The state administering agency reports the following Byrne grant allocations:

**FY 1998:**

- *\$189,602 under purpose area #27 was allocated for Death Penalty Defense, (two attorneys for indigent defense and appeal of capital felony cases)*
- *\$497,551 under purpose area #10 was allocated to staff (four adult court attorneys, one juvenile court attorney, two social workers and a full and part-time investigator) for a Youthful Offender Unit;*
- *\$139,396 under purpose area #13 was allocated for a Drug Court in New Haven*
- *\$149,460 under purpose area #8 was allocated for Team Case Management*
- *\$160,516 under purpose area #13 for Drug Court Expansion in Hartford and Waterbury*

**FY 1999:**

- *\$268,633 under purpose area #10 for Team Case Management Expansion (allowing attorneys & social workers to work as a team providing representation to clients who have multiple problems)*
- *\$252,571 under purpose area #13 for Drug Court Expansion in Hartford and Waterbury*
- *\$169,260 under purpose area #13 for New Haven Drug Court*
- *\$94,940 under purpose area #13 for Drug Court Expansion in Bridgeport*

The Annual Report of the state Chief Public

Defender reports that in 1998-99, \$1,382,423 in continued and additional federal and state match funds was available to the office under the Anti-Drug Abuse Act of 1988. These grants were continued and expanded into 1999-00 with funding awarded as follows:

- \$214,000 under the *Youthful Offender grant*
- \$374,590 under the *Team Case Management grant*
- \$169,260 under the *New Haven Drug court grant*
- \$268,860 under the *Drug Court Expansion grant*
- \$94,940 under a new *Bridgeport Drug Court Expansion grant to fund an attorney and social worker*
- \$314,010 under a new *Juvenile Justice grant to staff the Middletown Juvenile Office and increase attorney staff*
- \$3,000 in federal funds under a *Training grant to fund out-of-state training programs for investigators, social workers and attorneys*

The deadline for submitting funding proposals to the Byrne agency is December 1.

## DELAWARE

**Byrne Funds:** A representative of indigent defense was on the state advisory board, and indigent defense was included in the state plan for both 1998 and 1999.

**FY98 and FY99:** \$321,840 and \$504,000 respectively were allocated to fund attorneys and support staff in the state public defender's office to handle cases through videophone proceedings under purpose area #10.

The deadline for submitting funding proposals to the Byrne agency varies year to year, although they are usually due by September 30 for continuing programs and November 30 for new proposals.

## DISTRICT OF COLUMBIA

**Byrne Funds:** One hundred percent of the funds received by DC are passed through to the local jurisdiction. The Management and Program Analyst for the Administrative Office for DC reported receiving:

**FY 1998:** No Byrne funds were reported received in 1998.

**FY 1999:** \$618,000 under purpose area #15b for the continued funding of Public Defender Service management information system upgrade and integration program.

## Other funds:

- \$262,101 of *Juvenile Accountability Incentive Block Grants to fund positions and support the work of two special educational and two public benefits attorneys and \$9,500 in Local Law Enforcement Block Grants to fund training for indigent defense attorneys on DNA, sex offender legislation, child complaints and investigative techniques.*
- *An undetermined amount of Juvenile Accountability Incentive Block Grants was awarded to support four grant attorneys in 1998.*

## FLORIDA

**Byrne Funds:** Florida's Byrne agency, the Department of Community Affairs, states that Florida has no state advisory board and no funds were allocated to indigent defense in 1998 or 1999. It was reported that Florida funds over 200 projects and doesn't have the resources to spend on the survey request. The deadline for submitting funding proposals to the Byrne agency is some time in June.

## Other Funds:

- *The Miami-Dade Public Defender's Office received \$150,000 from a **BJA Open Solicitation** for a Juvenile Sentencing Advocacy Project for effective representation of juveniles in adult court. A copy of the successful grant application was provided.*
- *The Public Defender for the 16th Judicial Circuit (Key West) received \$80,000 under a 1998 **BJA Open Solicitation** for computers, software (a special case management package developed specifically for Florida public defenders) and video conferencing, to connect the three circuit offices within the Keys, as well as clients in the jail.*
- *Tallahassee allocated \$20,000 of **Local Law Enforcement Block Grant** money to the juvenile drug court in 1998.*

## GEORGIA

### Byrne Funds:

- *No representative of indigent defense was on the state advisory board and no funds were allocated to indigent defense.*
- *The deadline for submitting funding proposals to the Byrne agency is May 14 (The exact date varies each year depending on when the application is available).*

**Other Funds:**

- *The Eighth Judicial Administrative District received \$80,000 under the 1998 BJA Open Solicitation to fund early intervention case management for indigent defense, including hiring two nonlawyer early intervention coordinators to make pre-indictment jail visits, screen clients, coordinate requests for bond hearings, review police reports with defendants, meet with prosecutors and turn over all information, including any plea offer from the prosecutor, to the public defender for final evaluation.*

**HAWAII**

**Byrne Funds:** No representative of indigent defense was on the state advisory board and no funds were allocated to indigent defense. The state administering agency, which is the state Attorney General, reported that indigent defense was not included in the state plan because the proposal submitted by defense scored low in the review process. However, the agency reported that indigent defense received training funds from the BJA Training and Educational Assistance Program. The deadline for submitting funding proposals to the Byrne agency is September 30.

**IDAHO**

**Byrne Funds:** No representative of indigent defense was on the state advisory board and no funds were allocated to indigent defense. The state administering agency, the state's Department of Law Enforcement, reported that indigent defense was "not identified as a priority." The deadline for submitting funding proposals is March 24.

**ILLINOIS**

**Byrne Funds:** Indigent defense was included in the state plan for the Byrne program filed with BJA in both 1998 and 1999. The state administering agency reported allocating a total of \$909,215 to indigent defense in 1998 and \$1,139,215 in 1999.

- *The Cook County Public Defender received \$350,265 under purpose area #10 in both 1998 and 1999 for a Violent Crime Appeals Project. This project was begun with Byrne Funds in FY 1997 to design an automated computer system to enhance the*

*efficiency of the appeals division of the Cook County Office.*

- *In FY 1998, Cook County Public Defender reports receiving \$118,193 with a \$39,398 local match for defense services for juvenile transfers, as well as \$114,750 with a \$38,250 local match for a violent crime appeals program. They did not receive Byrne funding in FY99.*
- *Public Defender Offices in Cook, Kane, Madison, McLean, and Sangamon Counties received \$397,658 under purpose area #10 in both 1998 and 1999. These funds supported various public defender services, including juvenile litigation assistants, public defenders focusing solely on capital and other violent crimes, and a part-time public defender serving Sangamon County Domestic Violence Court.*
- *The State Appellate Defender received \$126,372 to assist with a Drug & Violent Crime Appeals Backlog Reduction Panel Project (the project employed 10 private attorneys to expedite the briefing process in appellate cases in Illinois highest appellate caseload districts), \$11,460 for Statewide Public Defender Training on violent crimes defense, and \$23,460 for public defender trial advocacy training and for expansion of the defense portion of the State Appellate Defender website in both FY1998 and 1999. Illinois granted the State Appellate Defender an additional \$230,000 in FY1999 for the Specialized Appeals Unit (sex crimes and crimes against the family) of seven staff attorneys. All of these grants were made under purpose area #10. The State Appellate Defender also received a state match of \$123,390 and a local match of \$8,055.*

**Other Funds:**

- *The Dupage County Public Defender reports receiving funding for a travel study through the Chief Judge's Office in 1999, which was funded by the Drug Courts Program Office.*

**INDIANA**

**Byrne Funds:** A representative of indigent defense was on the state advisory board, and indigent defense was included in the state plan. The state administering agency reported that indigent defense received:

**FY 1998 and FY 1999:**

- *A grant in the amount of \$221,400 for purpose area #20, relating to a grant to the State Public Defender Commission to provide technical assistance to local public defenders in the area of alternative sentencing.*
- *A grant in the amount of \$161,347.50 for purpose area #20, relating to the Marion County Public Defender Agency which provides social service resources and alternative sentencing options to juvenile and adult offenders.*

The deadline (in most cases) for submitting funding proposals to the Byrne agency is February 1.

**IOWA****Byrne Funds:**

- *FY98: No representative of indigent defense was on the state advisory board and no funds were allocated to indigent defense in 1998 (however, according to the reporting agency, “matching funds” were provided for a public defender in a Byrne-funded drug court program). The state administering agency reported that indigent defense was included in the state plan for drug-control grants filed with BJA regarding “efficiency of adjudication process.”*

The Office of the State Public Defender reported receiving \$4,500 (State & Local Training & Education Assistance Program) under a **Local Law**

**Enforcement Block Grant.**

- ***FY99:** No representative of indigent defense was on the state advisory board or included in the state plan for the Byrne formula grant program. While no funds were allocated to indigent defense in 1999, the state administering agency reported that the following applied for and received Byrne funds anyway:*
- *\$40,200 to the IA 5th Judicial District for Drug Court (purpose area #11);*
- *\$70,532 to IA Dir. Inspection & Appeals, State Public Defender for Technology improvement for State public defenders (purpose area #15b).*

The Office of the State Public Defender reported receiving \$4,500 (purpose area # 15b Criminal Justice Information Systems) for training public defenders. The local offices of the Iowa Public Defender are centrally funded at the state level. The deadline for submitting funding proposals to the Byrne agency is April 5.

**KANSAS**

**Byrne Funds:** No representative of indigent defense was on the state advisory board and no funds were allocated to indigent defense in either 1998 or 1999. The deadline for submitting funding proposals to the Byrne agency is April 30.

**KENTUCKY****Byrne Funds:**

**FY98:** A representative of indigent defense was on the state advisory board, and indigent defense was included in the state plan. The state administering agency reported funding the following projects proposed by the statewide public defense agency, the Kentucky Department of Public Advocacy:

- *\$78,673 under purpose area #15b, for a Field Office Communication/Connection allowing easy access to the agency’s data, research, and communications technologies.*
- *\$8,597 under purpose area #15b for a Post-Trial Information System – a case tracking database to assess the Post-Trial Division’s caseload trends and other relevant data and manage case information.*
- *\$14,513 under purpose area #15b for a Litigation Management Information System Project – to purchase specialized case/document management software for the Trial and Post-Trial Divisions’ Capital Unit.*

The Department of Public Advocacy reported receiving additional Byrne Grant funding: a \$49,748 Strategic Planning Grant, under which the agency retained a consultant to assess Kentucky’s public defense system.

**FY99:** A representative of indigent defense was on the state advisory board, and indigent defense was included in the state plan. The following projects received funds:

- *\$14,000 under purpose area #10 for Victim Intervention (restorative justice);*
- *\$60,000 under purpose area #15 to purchase equipment for a Field Office Communication Project.*

The deadline for submitting funding proposals to the Byrne agency is approximately May 15.

**LOUISIANA**

**Byrne Funds:** The Louisiana Indigent Defense Assistance Board reports that all Louisiana Indigent

Defense Offices are specifically and officially excluded from participation in the Byrne formula grant program by the state administering agency, the Louisiana Commission on Law Enforcement.

## MAINE

**Byrne Funds:** No representative of indigent defense was on the state advisory board and no funds were allocated to indigent defense. There are no public defense agencies in the state. There is no deadline.

## MARYLAND

### Byrne Funds:

**FY98:** No representative of indigent defense was on the state advisory board and no funds were allocated to indigent defense.

**FY99:** The state administering agency reported the following:

- *A grant in the amount of \$141,393 for purpose area #20, relating to a grant to St. Mary's County in the area of Assessment/Diversion.*
- *A grant in the amount of \$88,116 for purpose area #20, relating to Harford County for Drug Court purposes.*
- *A grant in the amount of \$37,906 for purpose area #20, relating to Allegany County for Electronic Home Monitoring purposes.*

**Other funds:** The Office of the Public Defender for the State of Maryland reported a \$70,000 **Office of Juvenile Justice and Delinquency Prevention Grant** for their Educational Development Unit to advise juvenile clients. The deadline for submitting funding proposals to the Byrne agency is generally in April.

## MASSACHUSETTS

**Byrne Funds:** No representative of indigent defense was on the state advisory board and no funds were allocated to indigent defense in either 1998 or 1999.

## MICHIGAN

**Byrne Funds:** No representative of indigent defense was on the state advisory board and no funds were allocated to indigent defense in either 1998 or 1999. The deadline for submitting funding proposals to the Byrne agency is April 9th.

## MINNESOTA

**Byrne Funds:** A representative of indigent defense was on the state advisory board, and indigent defense was included in the state plan. The state administering agency reported the following funding to indigent defense:

### FY 98:

- *\$40,000 under purpose area #10, for public defender training, to improve the operational effectiveness of court*
- *\$58,056 under purpose area #10, for juvenile public defenders to integrate criminal and civil representation*
- *\$130,000 under purpose area #20, for alternative sentencing advocates to assist in the development of alternative sanctions for offenders who do not pose a public safety threat*

### FY 99:

- *\$20,000 under purpose area #10, to integrate criminal and civil representation for juveniles*
- *\$120,000 under purpose area #15 to upgrade the State Public Defender computer network*
- *\$40,000 under purpose area #10 for public defender training*

The Board of Public Defense reports receiving \$120,000 with a \$40,000 state match in both 1998 and 1999 to fund sentencing advocates, and \$40,000 with a \$60,000 state match in both years for public defender training.

### Other Funds:

- *The Board of Public Defense received \$58,000 with a state match of \$20,000 for a 2-year indigent defense project "Team Child," to coordinate the criminal and civil legal representation of juveniles in St. Paul by hiring a legal assistant for the Ramsey county Public Defender's Office. A copy of the successful grant application was provided. This federal grant was not funded through the Byrne program but the source of the funding was not reported (grant application was sent to Prevention and Intervention Funding, MN Dept. of Children, Families and Learning).*

The deadline for submitting funding proposals to the Byrne agency is sometime in September.

**MISSISSIPPI**

**Byrne Funds:** Mississippi does not have a state advisory board. Indigent defense was not included in the 1998 state plan but was included in the 1999 state plan for Byrne grant disbursement; however, no funds were allocated to indigent defense. The deadline for submitting funding proposals to the Byrne agency is June 30, 2001.

**Other funds:** The Bureau of Justice Assistance gave a \$300,000 discretionary grant to the new state public defender agency in 1998, for help establishing the office (the legislation authorizing the office was later repealed by the legislature).

**MISSOURI**

**Byrne Funds:** The state administering agency reports that Missouri does not have an advisory board and indigent defense was not included in the state plan for Byrne formula grants. The following funds were reported going to indigent defense:

**FY 1998:**

- \$9,636 under purpose area #10 for participation in drug court
- \$379,680 under purpose area #15 for technology improvement

**FY 1999:**

- No grants to the State Public Defender Office because of the prohibition against more than four consecutive years of Byrne formula grant funding.

The deadline for submitting funding proposals to the Byrne agency is April 9.

**MONTANA**

**Byrne Funds:** Although no representative of indigent defense was on the state advisory board, the following funds were allocated for indigent defense:

- **FY 98:** \$42,388 under purpose area #10, for defense assistance for families involved in Youth in Need of Care Proceedings
- **FY 99:** \$24,941 for purpose area #18 to the Cascade County Public Defender for its Youth in Need of Care Project.

The deadline for submitting funding proposals to the Byrne agency is February 1.

**NEBRASKA**

**Byrne Funds:** Although no representative of indigent defense was on the state advisory board, indigent defense was included in the state plan and indigent defense did receive funds.

**FY 1998 and 1999:**

- The state administering agency reported \$155,000 under purpose area #10, for the Public Advocacy Defense Unit project to “provide defense attorneys at state level to assist local defense attorneys with drug & violent crime cases (indigent).”
- The Nebraska Commission on Public Advocacy reported receiving the \$155,000 with a state match requirement of \$51,667.00 to provide salaries and benefits for two attorneys to represent indigents at trial and on appeal accused of drug-related or violent crimes; to assist public defenders and court-appointed counsel in defense work; and for one paralegal to assist attorneys.

**Other Funds:**

- Lancaster County Public Defender Office received \$46,220 from the **Office of Juvenile Justice and Delinquency Prevention** in 1998. A copy of Lancaster County’s successful grant application for their Detention Alternatives Project, aimed at reducing the disproportionate numbers of minority youth held in secure detention in Lancaster County and their length of stay, was provided. The grant money funds a juvenile detention expediter whose primary responsibility is to assess, explore and recommend community alternatives to secure detention.

The deadline for submitting funding proposals to the Byrne agency is usually June 15.

**NEVADA**

**Byrne Funds:** No representative of indigent defense was on the state advisory board and no funds were allocated to indigent defense. The state administering agency reports that its Byrne grant application is sent to all courts and district attorneys statewide as well as the State Attorney General, and that the agency has never received a request pertaining to indigent defense. The deadline for submitting funding proposals to the Byrne agency is March 31.

**NEW HAMPSHIRE**

**Byrne Funds:** The state administering agency reported that although a representative of indigent defense was on the state advisory board and included in the state plan, indigent defense did not receive funds for FY 1998 or 1999.

**NEW JERSEY**

**Byrne Funds:** New Jersey does not have an advisory board for Byrne funding. Funding allocations are based on a Statewide Needs Assessment conducted among criminal justice agencies. The state administering agency reports that no requests were made for Byrne funding for indigent defense programs in 1999. No funds were allocated to indigent defense in either year. The deadline for submitting funding proposals to the Byrne agency is December 1.

**NEW MEXICO**

**Byrne Funds:** The state administering agency, the New Mexico Department of Public Safety, has excluded indigent defense services from funding.

**Other funding:** The New Mexico Public Defender Department received no Federal Funds in 1998. In 1999, it received approximately \$150,000 from the **Juvenile Accountability Incentive Block Grants** Program and \$5,000 in **Drug Court Program** funds.

**NEW YORK****Byrne Funds:**

**FY 1998:** Although no representative of indigent defense was on the state advisory board, indigent defense was included in the state plan, and funds in the amount of \$1,620,350 for purpose areas #10, 20, 2, and 18 were allocated for the following indigent defense projects:

- *Drug Courts: additional defense resources in new or existing drug courts.*
- *Point of Entry Defense: Participation by the Legal Aid Society as a member of a multi-jurisdictional task force with the Queens County District Attorney's office and various other law enforcement agencies.*
- *Parole Revocation Program: Indigent defense services for parole violators through intensive legal services and social work assistance.*

- *Blue Zone Community Defense Project: A team of attorneys monitors selected offenders and uses forensic and advocacy services to find placements and other alternatives to incarceration.*
- *Family Violence Defense Program: Defense services in domestic violence cases.*
- *Differentiated Case Management Program: Promote timely and just disposition of drug cases by assigning defenders to tracks consistent with their preparation and case management.*
- *Court Delay Reduction Program: Improve the operational effectiveness of the court process by expanding public defense resources to provide expedited case processing.*

**FY 1999:** Although no representative of indigent defense was on the state advisory board, indigent defense was included in the state plan, and funds in the amount of \$1,287,275 for purpose areas #10, 20, 13, and 18 were allocated for the following indigent defense projects:

- *Coordinated Parole Case Management Program: \$24,000 (under purpose area #10) to the Legal Aid society of Nassau County, for specialized representation of indigent defendants whose legal circumstances are complicated by related parole revocation charges;*
- *Drug Abuse Treatment Alternative: \$4,000 (purpose area #20) to the Attica Legal Aid Bureau, for day reporting utilizing drug abuse treatment and alternatives to divert substance-dependent offenders and alleged parole violators detained in county jail from detention to drug treatment services;*
- *Differentiated Parole Violation Case Management: \$40,000 (purpose area #10) to the Public Defender of Monroe County, to provide legal representation to alleged parole violators, utilizing drug treatment when appropriate;*
- *Compassionate Release Parole Project: \$64,000 (purpose area #13) to the Legal Aid Society of New York, to provide legal and social work services to ill and infirm parole violators;*
- *Family Court Defense Project: \$161,700 (purpose area #10), to the Legal Aid Society Nassau County for specialized representation of indigent clients in both the Nassau district court and the family court by providing specially trained and supervised lawyers who will coordinate defense;*

- *Enhanced Adjudication Services Program: \$161,700 (purpose area #10), to the Onondaga County Bar Association to assist defense attorneys and defendants by providing plea and sentence mitigation services to achieve the least restrictive alternative sentences commensurate with public safety;*
- *Drug Court: \$161,700 to the Suffolk County Legal Aid Society to process cases in drug court;*
- *Community Defense Blue Zone: \$478,775 to the Legal Aid Society of New York, for a team of attorneys to monitor selected offenders and use forensic and advocacy services to find placements and other alternatives to incarceration.*

#### **Other Funding:**

- *The Criminal Appeals Bureau of the Legal Aid Society of New York received \$80,000 under the 1998 **BJJ Open Solicitation** to hire a consultant to update its computerized case management system, which can communicate with other LAS case management systems, detect conflict of interest situations, and allow attorneys to check on how a pay or expert witness has testified or performed in the past.*
- *In both 1998 and 1999, the Monroe County Public Defender Office received \$161,700 with a \$53,900 local match under purpose area #16 to identify the treatment needs of clients charged with nonviolent felonies or violations of felony probation and advocate for treatment rather than incarceration.*
- *The Monroe County Public Defender also received \$40,000 with a \$13,333 local match in both years under purpose area #16 to fund a program designed to assist public defenders in placing alleged parole violators into a drug treatment program rather than return them to state prison.*
- *The Office of the **Public Defender County of Genesee** reported receiving a Juvenile Accountability Incentive Block Grant for 1999 in the amount of \$9,552.*
- *The Legal Aid society-Suffolk county reported receiving a \$161,800 Byrne grant with a state and local match of \$53,800 for the facilitation of Drug court.*
- *In both 1998 and 1999, The Legal Aid Bureau of Buffalo, Inc. received \$161,700 with a \$53,900 local match for the purpose of providing enhanced representation for domestic and family violence cases and Drug Court cases.*

- *The Legal Aid Society (NY) reported receiving:*
- *\$986,437 in 1998 for an Enhanced Adjudication-Defender- (community defense project) with a match of \$328,812;*
- *69,089 in 1998 and 1999 for the Point of Entry Defense project with a match of 23,030;*
- *\$225,000 in 1998 and 1999 for Compassionate Release.*

#### **NORTH CAROLINA**

**Byrne Funds:** Indigent defense was not included in the state plan and no funding was awarded to indigent defense in either 1998 or 1999. The deadline for submitting funding proposals is January 31 of each year.

#### **NORTH DAKOTA**

**Byrne Funds:** No representative of indigent defense was on the state advisory board and no funds were allocated to indigent defense. The state agency reported that “grants are awarded on a competitive basis, therefore, all programs are eligible to receive funds if they meet the needs identified in the North Dakota Drug and Violent Crime Control Strategy.” The deadline for submitting funding proposals to the Byrne agency is July 15.

#### **OHIO**

**Byrne Funds:** No representative of indigent defense was on the state advisory board and indigent defense did not receive any Byrne grant money in either 1998 or 1999.

#### **OKLAHOMA**

**Byrne Funds:** No representative of indigent defense was on the state advisory board and no funds were allocated to indigent defense in either 1998 or 1999. The deadline for submitting funding proposals to the Byrne agency is March 5.

#### **OREGON**

**Byrne Funds:** The state administering agency reports that there was an indigent defense representative on the state advisory board in 1998 and they “...typically have an indigent defense representative that serves on the Board, however the position is currently vacant.” Indigent defense was not included in

the state plan for the Byrne formula grant program filed with BJA, and no funds were allocated to indigent defense in either 1998 or 1999. The deadline for submitting funding proposals varies depending on the funding cycle.

## PENNSYLVANIA

### Byrne Funds:

**FY 1998:** The state administering agency reported that although there was no indigent defense representative on the state advisory board, indigent defense was included in the state plan for the Byrne formula grant program, and five counties were awarded purpose area #16 funds in the amount of \$174,200 (Innovative Approaches to Drug Offenses and other Serious Crimes) for juvenile defense representation.

**FY 1999:** Same as 1998, in the following amounts: \$11,800 to Centre County; \$15,200 to Chester County; \$21,000 to Franklin County; \$27,300 to Lackawanna County; and \$22,100 to Monroe County, for a total of \$97,400.

**Other funding:** Berks County Public Defender's Office reported receiving a \$68,028 **Juvenile Accountability Incentive Block Grant** for an additional public defender.

## PUERTO RICO

**Byrne Funds:** There was no indigent defense representative on the state advisory board in either 1998 or 1999, however, indigent defense was included in the state plan for the Byrne formula grant program and did receive funds in both years.

**FY 1998:** \$191,552 under purpose area #20 for drug court

**FY 1999:** \$96,845 under purpose area #20 for drug court

## RHODE ISLAND

### Byrne Funds:

**FY 1998:** No indigent defense representative was on the state advisory board and no funds were allocated to indigent defense in 1998. The state agency reported that indigent defense had been funded for the maximum of four years (FY 94-97).

**FY 1999:** There was an indigent defense represen-

tative on the state advisory board in 1999 and the state administering agency reported a purpose area #10 grant in the amount of \$105,000, with a \$35,000 state match, for the assignment of three full-time staff members (an assistant public defender, an investigator and a legal secretary) to service the client base statewide. The deadline for submitting funding proposals varies.

## SOUTH CAROLINA

**Byrne Funds:** An indigent defense representative was on the state advisory board that wrote the 1999 state plan, but indigent defense was not included in the state plan and no funds were allocated to indigent defense in either 1998 or 1999. The deadline for submitting funding proposals to the Byrne agency is January 12, 2001. The Charleston County Public Defender indicates that public defenders did submit grant applications, which were denied.

## SOUTH DAKOTA

**Byrne Funds:** South Dakota does not have an advisory board. The state administering agency reported that "indigent defense was not included as a priority area for funding." There is no set date for application for funds.

**Other funding:** The Office of the Public Defender of the Rosebud Sioux Tribe received \$12,050 under a 1998 **BJA Open Solicitation** to buy basic office equipment, such as a computer, printer, telephones, fax, and scanner, to improve the office's efficiency.

## TENNESSEE

**Byrne Funds:** A representative of indigent defense was on the state advisory board, and indigent defense was included in the state plan and received funds for both 1998 and 1999.

### FY 1998:

- *Starting Point* – \$65,878 (purpose area #11) for an alcohol and drug education program for clients who are awaiting disposition of their cases.
- *Mentally Ill Chemical Abuser Program* – \$45,000 (purpose area #11) for a specially trained, licensed clinical social worker to address the special needs of dual-diagnosed clients.

- *Women's Center Outpatient Treatment Program* – \$106,609 (purpose area #10) for a 13-week intensive treatment program and a 21-month aftercare program allowing for long-term recovery for women in the criminal justice system.
- *Spanish-Speaking Investigator Program* – \$39,375 (purpose area #10) to hire a Spanish-speaking investigator to educate Spanish-speaking defendants about the criminal justice system.
- *Special Drug Defender, 12th Judicial District* – \$37,832 (purpose area #10) for a special defender focused exclusively on drug-related crimes in state court.
- *Special Drug Defender- 8th Judicial District* – \$36,932 – same as above.
- *Sentencing Advocate Demonstration Project* – \$132,345 (purpose area #10) for five sentencing advocates employed in five districts to offer courts a meaningful option between prison and probation.

**FY 1999:**

- *Substance abuse treatment for female offenders* – Davidson County Office of the Public Defender received \$35,314 under purpose area #13.
- *Substance abuse treatment for incarcerated males* – \$65,878 to the same office under purpose area #13.
- *Outpatient services for substance abusing female offenders* – \$106,609 to the same office under purpose area #13.
- *Spanish-speaking interpreter* – \$39,375 to the same office under purpose area #10.
- *Support staff for county's mental health court* – \$63,417 to the same office under purpose area #13.
- *Integration of public defender case file information* – Tennessee Public Defender Conference received \$163,976 under purpose area #10.
- *Special Drug Defender, 12th Judicial District* – Tennessee Public Defender's Conference received \$36,381 under purpose area #10.
- *Special Drug Defender- 8th Judicial District* – same, \$41,140.

**Other funding:** The Tennessee District Public Defenders Conference received \$80,000 under a 1998 BJA Open Solicitation to purchase multimedia presentation systems for courtroom use statewide.

The deadline for submitting funding proposals to the Byrne agency is April 15.

**TEXAS**

**Byrne Funds:** No representative of indigent defense was on the state advisory board and no funds were allocated to indigent defense for either 1998 or 1999.

**Other funding:** The El Paso County Public Defender reported receiving a BJA Open Solicitation grant of \$50,971.50 in 1998 for CLE on Scientific and Technical Issues.

**UTAH**

**Byrne Funds:** The state administering agency reports there was no advisory board in 1998, and although there was an indigent defense representative on the state advisory board in 1999, no funds were allocated to indigent defense in either 1998 or 1999. The deadline for submitting funding proposals to the Byrne agency is September 30.

**VERMONT**

**Byrne Funds:** Although no representative of indigent defense was on the state advisory board in either 1998 or 1999, The Defender General received \$40,000 (with a 25% state match requirement) for purpose area #10 – Special Domestic Violence Defense – to contract with private attorneys to provide services for domestic violence clients in areas of the state that have the highest incidence of domestic violence.

**Other funding:**

- *The Defender General reports receiving \$150,000 under the BJA Open Solicitation to "Identify, Assess & Accommodate Developmental Disabilities of Criminal Defendants."*
- *The Defender General reports receiving \$40,000 for purpose areas #10 and 18 for representation of juveniles who have been victims of sexual or physical abuse and representation of defendants charged with crimes of domestic violence.*

The deadline for submitting funding proposals to the Byrne agency varies year to year.

**VIRGINIA**

**Byrne Funds:** No representative of indigent defense was on the state advisory board and no funds

were allocated to indigent defense in either 1998 or 1999. According to the statewide Public Defender Commission, Virginia has not made Byrne funding available for indigent defense. The deadline for submitting funding proposals to the Byrne agency is February 9.

**Other funding:**

- *The Drug Courts Program Office awarded \$160,000 to establish a Public Defender Attorney position in Roanoke's drug court.*
- *The Office of Juvenile Justice and Delinquency Prevention awarded \$84,000 to establish a Juvenile Serious Offender Advocate position.*

**WASHINGTON**

**Byrne Funds:** A representative of indigent defense was on the state advisory board, and indigent defense was included in the state plan.

**FY 1998:** The Washington Defender Association received \$300,000 under purpose area #20 to promote the use of sentencing alternatives by public defenders.

**FY 1999:** The Washington Defender Association received \$302,551 under purpose area #10 to assist public defenders in providing representation to clients with special needs.

*[Erratum: NLADA's 1996-97 Byrne Report incorrectly listed the Washington Defender Association as receiving no funding. In fact, it has received nine years of continuous funding and is now in its tenth year.]*

**WEST VIRGINIA**

**Byrne Funds:** A representative of indigent defense was on the advisory board, but indigent defense was not included in the state plan and no funds were allocated to indigent defense. The deadline for submitting funding proposals to the Byrne agency is sometime in April or May of each year.

**WISCONSIN**

**Byrne Funds:** An indigent defense representative was on the state advisory board in 1999 but not in 1998. Indigent defense was included in the state plan both years.

**FY98:** No funds went to indigent defense.

**FY99:** \$174,500 was granted to Milwaukee County under purpose area #10 to fund a pro se litigation coordinator and interpreter services for non-English speaking indigent defendants.

The deadline for submitting funding proposals to the Byrne agency is July 1, 2001.

**WYOMING**

**Byrne Funds:** A representative of indigent defense was on the state advisory board that wrote the state plan for allocation of Byrne funds in 1999. No funds were allocated to indigent defense. The State Public Defender reports that "...all of these funds have been used for drug interdiction teams across the State; no funds have ever gone to indigent defense."

The deadline for submitting funding proposals to the state administering agency is January 1, 2001.

# State Offices Administering the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program

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## ALABAMA

Dewayne Freeman, Director  
Department of Economic and Community Affairs  
401 Adams Avenue, P.O. Box 5690  
Montgomery, AL 36103-5690  
<http://www.adeca.state.al.us/index.html>  
e-mail: [dougm@adeca.state.al.us](mailto:dougm@adeca.state.al.us)  
Contact: Jim Quinn  
Phone: 334/242-5811  
Fax: 334/242-0712  
e-mail: [jimq@adeca.state.al.us](mailto:jimq@adeca.state.al.us)

## ALASKA

Colonel Glenn Godfrey, Director  
Alaska State Troopers  
5700 East Tudor Road  
Anchorage, AK 99507  
<http://www.dps.state.ak.us/ast/>  
e-mail: [glenngodfrey@pssun02x.dps.state.ak.us](mailto:glenngodfrey@pssun02x.dps.state.ak.us)  
Contact: Catherine Katsel  
Phone: 907/269-5082  
Fax: 907/337-2059  
e-mail: [pckatsel@psafety.state.ak.us](mailto:pckatsel@psafety.state.ak.us)

## ARIZONA

Michael D. Branham, Executive Director  
Arizona Criminal Justice Commission  
3737 North 7th St., Suite 260  
Phoenix, AZ 85014  
[http://acjc.state.az.us/grant\\_programs.html](http://acjc.state.az.us/grant_programs.html)  
Phone: 602/230-0252  
Fax: 602/728-0752  
e-mail: [acjc@acjc.state.az.us](mailto:acjc@acjc.state.az.us)  
(notify before sending)

## ARKANSAS

Jerry Duran, Administrator  
Office of Intergovernmental Services  
Department of Finance and Administration  
15909 West 7th St., P.O. Box 3278

Little Rock, AR 72203  
<http://www.state.ar.us/dfa/intergovernmental/index.html>  
Phone: 501/682-1074  
Fax: 501/682-5206  
e-mail: [Jerry.Duran@DFA.state.ar.us](mailto:Jerry.Duran@DFA.state.ar.us)  
(Authorized signing official: Mr. Dick Barclay, Director,  
Department of Finance and Administration)

## CALIFORNIA

Frank Grimes, Executive Director  
Office of Criminal Justice Planning  
1130 K Street, Suite LL60  
Sacramento, CA 95814  
e-mail: [frank.grimes@ocjp.ca.gov](mailto:frank.grimes@ocjp.ca.gov)  
<http://www.ocjp.ca.gov/>  
Contact: John Isaacson  
Phone: 916/323-7726  
Fax: 916/323-1756  
e-mail: [John.Isaacson@ocjp.ca.gov](mailto:John.Isaacson@ocjp.ca.gov)

## COLORADO

Raymond T. Slaughter, Director  
Division of Criminal Justice  
Department of Public Safety  
700 Kipling Street, Suite 1000  
Denver, CO 80215  
e-mail: [Raymond.Slaughter@CDPS.State.co.us](mailto:Raymond.Slaughter@CDPS.State.co.us)  
Contact: Lance Clem  
Phone: 303/239-4442  
Fax: 303/239-4491  
e-mail: [Lance.Clem@CDPS.State.co.us](mailto:Lance.Clem@CDPS.State.co.us)

## CONNECTICUT

Leonard F. D'Amico,  
Under Secretary  
Office of Policy and Management  
450 Capitol Avenue, MS #52CPD  
P.O. Box 341441  
Hartford, CT 06106-1308  
<http://www.opm.state.ct.us/pd1/grants/DCSI.HTM>  
<http://www.opm.state.ct.us/pd1/grants/llebg.htm>

Contact: Steven Moniz  
Phone: 860/418-6341  
Fax: 860/418-6496  
e-mail: steven.moniz@po.state.ct.us

## **DELAWARE**

James Kane, Director  
DE Criminal Justice Council  
Carvel State Office Building  
820 N. French Street, 4th Floor  
Wilmington, DE 19801  
<http://www.state.de.us/cjc/drugs.htm>  
Contact: Cheryl Stallmann  
Phone: 302/577-8695  
Fax: 302/577-3440  
e-mail: cstallmann@state.de.us

## **DISTRICT OF COLUMBIA**

Erik P. Christian, Deputy Mayor  
Office of Justice Grants Administration  
717 14th Street, NW, 11th Floor  
Washington, DC 20001  
Contact: Anthony Arnold  
Phone: 205/727-0605  
Fax: 205/727-1617

## **FLORIDA**

Lena A. Price, Chief  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2110  
<http://www.dca.state.fl.us/>  
Contact: Clayton Wilder  
Phone: 850/488-8016  
Fax: 850/487-4414  
(Authorized signing official: Steven M. Seibert, Secretary)

## **GEORGIA**

Martha Gilland, Director  
Criminal Justice Coordinating Council  
503 Oak Place, Suite 540  
Atlanta, GA 30349  
<http://www.ganet.org/cjcc/byrne.html>  
Contact: Joe Hood  
Phone: 404/559-4949  
Fax: 404/559-4960

## **HAWAII**

The Honorable Earl I. Anzai  
Attorney General  
State of Hawaii  
425 Queen Street, Room 221  
Honolulu, HI 96813  
<http://www.cpja.ag.state.hi.us/gr/byrne98.shtml>  
Contact: Lari Koga  
Phone: 808/586-1151  
Fax: 808/586-1373  
e-mail: kwoek@lava.net

## **IDAHO**

E. D. Strickfaden, Director  
Idaho Department of Law Enforcement  
P.O. Box 700 (700 Stratford)  
Meridian, ID 83680-0700  
<http://164.165.67.76/dle/oldDle.htm>  
Contact: Roberta Silva  
Phone: 208/884-7040  
Fax: 208/884-7094  
e-mail: rsilva@dle.state.id.us

## **ILLINOIS**

Candice M. Kane, PhD, Executive Director  
Illinois Criminal Justice Information Authority  
120 S. Riverside Plaza, Suite 1016  
Chicago, IL 60606  
<http://www.icjia.state.il.us>  
Contact: Robert Taylor  
Phone: 312/793-8550  
Fax: 312/793-8422  
e-mail: taylor@icjia.state.il.us

## **INDIANA**

Catherine O'Connor, Executive Director  
Indiana Criminal Justice Institute  
302 W. Washington Street, Room E-209  
Indianapolis, IN 46204  
<http://www.state.in.us/cji/home/index2.html>  
Contact: Doug Fowler  
Phone: 317/232-1230  
Fax: 317/232-4979

## **IOWA**

Robert B. Upchurch, Coordinator  
Governor's Office of Drug Control Policy  
401 SW 8th Street  
Suite 401

Des Moines, IA 50309  
<http://www.state.ia.us/odcp>  
 Contact: Dale R. Woolery  
 Phone: 515/281-3788  
 Fax: 515/242-6390

## **KANSAS**

Barbara Tombs, Executive Director  
 Kansas Criminal Justice Coordinating Council  
 700 SW Jackson, Room 501  
 Topeka, KS 66603  
<http://www.ink.org/public/ksc/SiteMap.htm>  
 Contact: Carla Campbell  
 Phone: 785/296-0923  
 Fax: 785/296-0927  
 e-mail: [carla@cjnetworks.com](mailto:carla@cjnetworks.com)

## **KENTUCKY**

Robert Stephens, Secretary  
 Kentucky Criminal Justice Council  
 Kentucky Justice Cabinet  
 Bush Building, 2nd Floor  
 403 Wapping Street  
 Frankfurt, KY 40601  
<http://www.jus.state.ky.us/>  
 Contact: Debra McGovern  
 Phone: 502/564-7554  
 Fax: 502/564-4840

## **LOUISIANA**

Michael Ranatza, Executive Director  
 Louisiana Commission on Law Enforcement  
 1885 Wooddale Boulevard, Suite 708  
 Baton Rouge, LA 70806-1511  
 e-mail: [michael@cole.state.la.us](mailto:michael@cole.state.la.us)  
<http://www.cole.state.la.us/>  
 Contact: Elizabeth Reno  
 Phone: 225/925-3513  
 Fax: 225/925-1998

## **MAINE**

Michael F. Kelly, Commissioner  
 Maine Department of Public Safety  
 42 State House Station  
 Augusta, ME 04333-0104  
 e-mail: [michael.kelly@state.me.us](mailto:michael.kelly@state.me.us)  
<http://janus.state.me.us/dps/homepage.htm>  
 Contact: David Giampetruzzi  
 Maine Department of Public Safety  
 104 State House Station

Augusta, ME 04333-0164  
 Phone: 207/624-7074  
 207/624-8758 contact  
 Fax: 207/624-8768  
 e-mail: [david.a.giampetruzzi@state.me.us](mailto:david.a.giampetruzzi@state.me.us)

## **MARYLAND**

Michael A. Sarbanes, Executive Director  
 Governor's Office of Crime Control and Prevention  
 300 E. Joppa Road, Suite 1105  
 Baltimore, Maryland 21286-3016  
 Contact: Greg Leyko  
 Phone: (410) 321-3521  
 Fax: (410) 321-3116  
 E-mail: Governor's Office of Crime Control and Prevention  
 300 E. Joppa Road, Suite 1105  
 Towson, MD 21286-3016  
<http://www.goccp.org/>  
 Contact: Don Farabaugh  
 Phone: 410/321-3521  
 Fax: 410/321-3116  
 e-mail: [don@goccp-state-md.org](mailto:don@goccp-state-md.org)  
[www.bsos.umd.edu/cesar/goccp.html](http://www.bsos.umd.edu/cesar/goccp.html)

## **MASSACHUSETTS**

Michael O'Toole, Executive Director  
 Executive Office of Public Safety  
 Programs Division  
 One Ashburton Place, Suite 2110  
 Boston, MA 02108  
 e-mail: [michael.otoole@eps-state.ma.us](mailto:michael.otoole@eps-state.ma.us)  
<http://www.state.ma.us/ccj/>  
 Contacts: Jane Zuroff  
 Phone: 617/727-6300  
 Fax: 617/727-5356  
 e-mail: [jane.zuroff@state.ma.us](mailto:jane.zuroff@state.ma.us)

## **MICHIGAN**

Darnell Jackson, Director  
 Office of Drug Control Policy  
 Lewis Cass Building, 2nd Floor  
 320 South Walnut  
 Lansing, MI 48913  
<http://www.mdch.state.mi.us/ODCP/>  
 e-mail: [jacksond@state.mi.us](mailto:jacksond@state.mi.us)  
 Contact: Ardith DaFoe  
 Phone: 517/373-2952  
 Fax: 517/373-2963  
 e-mail: [dafoea@state.mi.us](mailto:dafoea@state.mi.us)

## **MINNESOTA**

Mary Ellison, Director  
MN Department of Public Safety  
Office of Drug Policy and Violence Prevention  
444 Cedar Street, Suite 100  
Townsquare  
St. Paul, MN 55101  
<http://www.dps.state.mn.us/DrugPol/>  
Contact: Jeri Boisvert  
Phone: 651/284-3318  
Fax: 651/582-8499 (ODP)  
e-mail: [jbposver@mail.dps.state.mn.us](mailto:jbposver@mail.dps.state.mn.us)

## **MISSISSIPPI**

Dr. Billy V. White, Jr.  
Executive Director  
Department of Public Safety  
Division of Public Safety Planning  
401 North West Street  
P.O. Box 23039  
Jackson, MS 39225-3039  
<http://www.dps.state.ms.us/>  
Contact: Joyce Word  
Phone: 601/359-7880  
Fax: 601/359-7832

## **MISSOURI**

Gary B. Kempker, Director  
MO Department of Public Safety  
Truman State Office Building  
Room 870, P.O. Box 749  
Jefferson City, MO 65102-0749  
[www.dps.state.mo.us/home/dpshome.htm](http://www.dps.state.mo.us/home/dpshome.htm)  
<http://www.dps.state.mo.us/DPS/DIROFF/grants/narcotics.html#ncap>  
e-mail: [gary@dps.state.mo.us](mailto:gary@dps.state.mo.us)  
Contact: Marco Tapia  
Phone: 573/751-5997  
Fax: 573/751-5399

## **MONTANA**

Jim Oppedahl, Executive Director  
Montana Board of Crime Control  
3075 North Montana Avenue  
Helena, MT 59620-1408  
<http://bccdoj.doj.state.mt.us/>  
e-mail: [joppedahl@state.mt.us](mailto:joppedahl@state.mt.us)  
Phone: 406/444-3615  
Contact: Al Brockway  
Phone: 406/444-3604

Fax: 406/444-4722  
e-mail: [abrockway@state.mt.us](mailto:abrockway@state.mt.us)

## **NEBRASKA**

Allen L. Curtis, Executive Director  
Nebraska Commission on Law Enforcement & Criminal Justice  
301 Centennial Mall South, 5th Floor  
P.O. Box 94946  
Lincoln, NE 68509  
<http://www.nol.org/home/crimecom/>  
Contact: Nancy Steeves  
Phone: 402/471-3416  
Fax: 402/471-2837

## **NEVADA**

John Drew, Director  
Department of Motor Vehicles and Public Safety  
555 Wright Way  
Carson City, NV 89711-0900  
[http://www.state.nv.us/dmv\\_ps/welcome.htm](http://www.state.nv.us/dmv_ps/welcome.htm)  
Contact: Sandra Mazy  
Office of Criminal Justice Assistance  
Phone: 775/687-5282  
Fax: 775/687-6328

## **NEW HAMPSHIRE**

Mark C. Thompson, Director of Administration  
Office of the Attorney General  
New Hampshire Department of Justice  
33 Capitol Street  
Concord, NH 03301  
<http://www.state.nh.us/nhdoj/>  
Contact: Gale Dean  
Paul Doran  
Phone: 603/271-7987  
603/271-1297  
Fax: 603/271-2110

## **NEW JERSEY**

The Honorable John J. Farmer, Jr.  
Attorney General  
Division of Criminal Justice  
Department of Law and Public Safety  
25 Market Street, CN 085  
Trenton, NJ 08625-0085  
<http://www.state.nj.us/lps/dcj/index.htm>  
Contact: Heddy Levine-Sabol  
Phone: 609/292-1502  
Fax: 609/292-1451

(Authorized signing official: Attorney General John J. Farmer Jr.)

## **NEW MEXICO**

Nicholas S. Bakas, Acting Cabinet Secretary  
Department of Public Safety  
P.O. Box 1628  
4491 Cerrillos Road  
Santa Fe, NM 87504  
<http://www.dps.nm.org/>  
Contact: Donna Farrell  
Phone: 505/827-3420  
Fax: 505/827-3398  
e-mail: [dfarrell@dps.state.nm.us](mailto:dfarrell@dps.state.nm.us)

## **NEW YORK**

Katherine N. Lapp, Commissioner  
New York State Division of Criminal Justice Services  
Executive Park Tower  
Stuyvesant Plaza  
Albany, NY 12203-3764  
<http://criminaljustice.state.ny.us/>  
Contact: Gary Schreivogl  
Phone: 518/457-8462  
Fax: 518/457-1186  
e-mail: [schreivogl@dcjs.state.ny.us](mailto:schreivogl@dcjs.state.ny.us)

## **NORTH CAROLINA**

David E. Jones, Executive Director  
Governor's Crime Commission  
1201 Front St., Suite 200  
Raleigh, NC 27609  
<http://www.nccrimecontrol.org>  
Contact: Craig Turner  
Phone: 919/733-4564  
Fax: 919/733-4625

## **NORTH DAKOTA**

Jerald C. Kemmett, Director  
Bureau of Criminal Investigation  
Attorney General's Office  
P.O. Box 1054  
Bismarck, ND 58502  
Contact: Tammy Becker  
Phone: 701/328-5500  
Fax: 701/328-5510  
4205 N. State Street (Fed EX address)  
e-mail: [mmail.TBecker@ranch.state.ND.US](mailto:mmail.TBecker@ranch.state.ND.US)

## **OHIO**

John Bender, Director  
Governor's Office of Criminal Justice Services  
400 East Town Street, Suite 120  
Columbus, OH 43215  
e-mail: [Webb@ocjs.state.oh.us](mailto:Webb@ocjs.state.oh.us)  
<http://www.ocjs.state.oh.us/>  
Contact: Wendy Tipton  
Phone: 614/466-7782  
Fax 614/466-0308

## **OKLAHOMA**

Suzanne McClain Atwood, Executive Coordinator  
District Attorneys Council  
2200 Classen Boulevard, Suite 1800  
Oklahoma City, OK 73106-5811  
<http://www.odawan.net>  
Contact: Lou Jones  
Phone: 405/264-5008  
Fax: 405/264-5095

## **OREGON**

Carmen Merlo, Acting Director  
Oregon Department of State Police  
Criminal Justice Services Division  
400 Public Service Building  
Salem, OR 97310  
Phone: 503/378-3725 x4145  
Fax: 503/378-6993  
e-mail: [carmen.merlo@state.or.us](mailto:carmen.merlo@state.or.us)  
<http://www.osp.state.or.us/html/cjsd.html>

## **PENNSYLVANIA**

James Thomas, Executive Director  
Pennsylvania Commission on Crime and Delinquency  
P.O. Box 1167, Federal Square Station  
Harrisburg, PA 17108-1167  
<http://www.pccd.state.pa.us/>  
Contact: Bob Donovan  
Phone: 717/787-8559x3064  
Fax: 717/783-7713  
e-mail: [Donovan@pccd.state.pa.us](mailto:Donovan@pccd.state.pa.us)

## **PUERTO RICO**

Edward Byrne Memorial State and Local Law Enforcement  
Assistance  
The Honorable Angel E. Rotger Sabat  
Attorney General  
Department of Justice  
Commonwealth of Puerto Rico

P.O. Box 9020192  
San Juan, PR 00902-0192  
<http://fortaleza.govpr.org/>  
Contact: Luis M. Gonzalez- Javier  
Phone: 787/725-0335  
Fax: 787/725-6144 (AG)  
787/721-7280  
e-mail: [lgonzalez@justicia.prstar.net](mailto:lgonzalez@justicia.prstar.net)

## **RHODE ISLAND**

Joseph E. Smith, Executive Director  
Governor's Justice Commission  
One Capitol Hill, 4th Floor  
Providence, RI 02908-5803  
<http://www.rijustice.state.ri.us>  
Contact: David LeDoux  
Phone: 401/222-4495  
Fax: 401/222-1294

## **SOUTH CAROLINA**

Burke Fitzpatrick, Administrator  
Office of Safety and Grants  
Department of Public Safety  
5400 Broad River Road  
Columbia, SC 29210-4088  
<http://www.state.sc.us/dps/ojp/>  
Contact: Ginger P. Dukes  
Phone: 803/896-8706  
Fax: 803/896-8714  
e-mail: [dukesm@scdps.state.sc.us](mailto:dukesm@scdps.state.sc.us)

## **SOUTH DAKOTA**

Pamela S. Roberts, Chief of Operations  
Attorney General's Task Force on Drugs  
State Capitol Building  
500 E. Capitol Avenue  
Pierre, SD 57501-5070  
<http://www.state.sd.us/attorney/attorney.html>  
Contact: Wanda L. Fergen  
Phone: 605/773-6313  
Fax: 605/773-6471

## **TENNESSEE**

Patricia B. Dishman, Director  
Office of Criminal Justice Programs  
Department of Finance and Administration  
312 Eighth Avenue North, Suite 1200  
William R. Snodgrass Tennessee Tower  
Nashville, TN 37243-1700  
<http://www.state.tn.us/finance/rds/programs.html>

Phone: 615/741-8277  
Fax: 615/532-2989  
e-mail: [Pdishman@mail.state.tn.us](mailto:Pdishman@mail.state.tn.us)  
(Authorized signing official: John D. Ferguson,  
Commissioner)

## **TEXAS**

Jay Kimbrough, Executive Director  
Criminal Justice Division  
Office of the Governor  
P.O. Box 12428, Capitol Station  
Austin, TX 78711  
Contact: Robert J. Bodisch, Sr.  
Phone: 512/463-1806  
Fax: 512/475-2440  
<http://www.governor.state.tx.us/CJD/index.html>

## **UTAH**

S. Camille Anthony, Executive Director  
Commission on Criminal and Juvenile Justice  
State Capitol Building, Room 101  
Salt Lake City, UT 84114  
<http://www.justice.state.ut.us/>  
Contact: Marvin Dodge  
Phone: 801/538-1031  
Fax: 801/538-1024  
e-mail: [mdodge@state.ut.us](mailto:mdodge@state.ut.us)

## **VERMONT**

James Walton, Jr., Commissioner  
Vermont Department of Public Safety  
Waterbury State Complex  
103 S. Main Street  
Waterbury, VT 05676-0850  
Contact: Capt. A. Mark Metayer  
Phone: 802/244-7345  
Fax: 802/244-1106  
<http://www.dps.state.vt.us/>

## **VIRGINIA**

Joseph B. Benedetti, Director  
Department of Criminal Justice Services  
805 East Broad Street, 10th Floor  
Richmond, VA 23219  
Contact: Janice Waddy  
Phone: 804/786-1577  
Fax: 804/371-8981  
<http://www.dcjs.state.va.us/>

## **WASHINGTON**

Steve Wells, Assistant Director  
Washington State Department of Community, Trade and  
Economic Development  
906 Columbia Street, SW  
P.O. Box 48300  
Olympia, WA 98504  
<http://www.cted.wa.gov>  
Contact: Paul Perz  
Phone: 360/586-8411  
Fax: 360/586-0489  
e-mail: [paulp@cted.wa.gov](mailto:paulp@cted.wa.gov)

## **WEST VIRGINIA**

J. Norbert Federspiel, Director  
Division of Criminal Justice Services  
1204 Kanawha Boulevard, East  
Charleston, WV 25301  
<http://www.wvdcjs.com/>  
Contact: Mike Cutlip  
Phone: 304/558-8814 x215  
Fax: 304/558-0391

## **WISCONSIN**

Jerry Baumbach, Executive Director  
Wisconsin Office of Justice Assistance  
131 West Wilson Street, Suite 202  
Madison, WI 53702  
<http://oja.state.wi.us/static/grants.htm>  
Contact: Deb Dinkle  
Phone: 608/267-2116  
Fax: 608/266-6676

## **WYOMING**

Thomas J. Pagel, Director  
Division of Criminal Investigation  
316 West 22nd Street  
Cheyenne, WY 82002  
Contact: Jennifer Wroe  
Phone: 307/777-6785  
Fax: 307/777-6869  
e-mail: [jwroe@state.wy.us](mailto:jwroe@state.wy.us)

# Edward Byrne Memorial State and Local Law Enforcement Assistance

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## FY1998 and 1999 FACT SHEETS

### Bureau of Justice Assistance Fact Sheet Nancy E. Gist, Director

Through the Edward Byrne Memorial State and Local Law Enforcement Assistance Program (the Byrne Program), the Bureau of Justice Assistance (BJA) provides leadership and assistance to reduce and prevent crime, violence, and drug abuse. BJA works in partnership with State and local governments to make communities safe and to 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), places emphasis on violent and drug-related crime and serious offenders and on fostering 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, and 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) 1997, \$60 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 sustainment planning at the earliest phase of the project.

**Program Priorities:** During FY 1997, BJA focuses 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 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 law enforcement, adjudication, rural communities, and American Indian/Alaska Native communities. State and local governments have been encouraged to submit concept papers on individual topics within these general areas. In addition, a second, more limited solicitation addresses three major areas of interest in adjudication: training for judges and other court per-

sonnel on substance abuse and treatment issues; jury system improvement; and technical assistance for courts to improve case management, handling of family violence and issuance of protective orders, and sentencing practices. A third solicitation seeks applications to strengthen State and local evaluation efforts through partnerships among State administrative agencies. Panels of experts are reviewing concept papers or applications for each competitive program. Funding decisions are 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 help 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 listed 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 assistance may be provided through the Formula Grant Program.

**Funding:** In FY 1997, \$500 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 funds for programs that support the Federal drug-testing initiative.

**Eligibility:** The 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, 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 that receive 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 the functioning of the State's 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 spent for criminal justice purposes by units of local government relative to total State and local criminal justice expenditures in the State. State and local

expenditures used in this calculation 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, American Samoa, Guam, 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....

**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 task forces, victims assistance programs, and multijurisdictional gang task forces 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 26 following 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 crime 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 crime, 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 the court process by expanding prosecutorial, defender, and judicial resources and implementing court delay reduction programs.

11. Programs to provide additional public correctional resources and improve the corrections system, 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 also 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; programs to provide for the identification, assessment, referral to treatment, case management, and monitoring of drug-dependent offenders; and programs to enhance State and local forensic laboratories.

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

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

17. Programs to address the problems of 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 abuse of the elderly.

19. Programs with which State 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 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 antiterrorism training and procure equipment for local law enforcement authorities.

27. 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.

28. 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. This authorization applies only to the current award (FY 1999) 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 with 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 an annual report that includes a summary of the State's grant activities and an assessment of the impact of these programs on the needs identified in the 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.

## **For More Information**

For additional information on BJA and its programs, contact the offices listed below. In addition, refer to BJA's FY 1997 Program Plan for a summary of all discretionary programs planned for FY 1997. Solicitations for competitive awards, including application instructions, are issued separately and made available through the BJA Home Page or the BJA Clearinghouse Home Page.

### **Bureau of Justice Assistance**

810 Seventh Street NW.  
Washington, DC 20531  
Tel: 202-307-0635  
Fax: 202-307-3373  
World Wide Web:  
<http://www.ojp.usdoj.gov/BJA>

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

P.O. Box 6000  
Rockville, MD 20849-6000  
Tel: 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**

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.