

Indigent Defense and the *FY 1994 BJA Formula Grant Report*

Prepared by: *Alvita S. Eason, Clearinghouse Attorney and Billie G. Bitley, Research Associate, NLADA Defender Division.*

*Clinton Lyons, NLADA Executive Director
Addie Hailstorks, Defender Division Director*

INTRODUCTION

In 1990, an amendment by Congress to the Omnibus Crime Control and Safe Streets Act of 1968 and language in the House Judiciary Committee report concerning the Comprehensive Crime Control Act of 1990 created the first major opportunity in almost 20 years for indigent defense programs to obtain federal funding. Since that time, the NLADA Drug Grant Clearinghouse has sought to provide information and technical assistance to indigent defense programs interested in applying for formula grant funds, commonly referred to as Byrne grants.

As part of the Clearinghouse, NLADA surveys defender programs in the 50 states, the District of Columbia and Puerto Rico, each fiscal year to determine how successful indigent defense programs have been in obtaining funds. Questionnaires are also sent to all of the state offices administering the Byrne program. (A list of state offices administering drug grant funds is appended to this report.)

The provisions of the Byrne grant program require each state to develop a statewide strategy to improve the functioning of the criminal justice system, with an emphasis on drug trafficking, violent crime, and serious offenders. The 1990 congressional amendment clarified that the Act's goal of improving the operational effectiveness of the court process contemplates a balance of support for all components of the process, including defender services, and that funding for indigent defense programs is of no less significance than the other components.

The annual Clearinghouse survey of defender programs and state administering agencies seeks to determine whether indigent defense was included in the state plan for the applicable fiscal year; whether indigent defense programs received federal funds; and, if so, how the funds were to be applied. If indigent defense was not included in the state plan, the survey asks for an explanation and whether the programs were able to apply for funds notwithstanding the exclusion.

Findings for Fiscal Year 1994 and Comparison with Previous Years

During Fiscal Year 1994, more than \$350 million in anti-drug formula grants was made available to assist state and local police, prosecution, defense, and court programs, although the overwhelming majority of those funds went to law enforcement and prosecution.¹

From fiscal years 1991 to 1993, an average of 23 states included indigent defense as part of their statewide plans. However, in FY 1994, only 18 states specifically included indigent defense in their statewide plans.

In many of the states that chose not to include indigent defense in their statewide strategies, defender programs were still eligible to apply for funds. However, over the years, applications from defender programs have been less successful when states have not included indigent defense as part of their statewide plans than when indigent defense has been included. For example, of the survey respondents for FY 1994, only Arkansas reported that an indigent defense provider applied for and received funds despite the fact that indigent defense was not included in the statewide strategy for FY 1994.



National Legal Aid and Defender Association
1625 K St., NW, 8th Floor
Washington, DC 20006
202-452-0620; Fax 202-872-1031

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Some states are now reporting that the time limitations imposed on BJA federal funding for one project has expired, or is close to expiring, for indigent defense programs. Programs wishing to receive federal money after expiration must propose new projects with focuses different from the ones previously funded.

Due to the time limitation for receipt of Byrne grant funding, some defender programs have been reluctant to apply for funds under the program. However, the experience of the Missouri State Public Defender System gives defenders cause for hope. After having received the full four years of federal funding for its alternative sentencing project, the office was successful in having the project picked up 100% through the state's general revenue funding.

According to the Clearinghouse survey findings for FY 1994, the total money awarded to indigent defense programs for FY 1994 was \$7,315,297 compared to \$8,566,741, awarded during FY 1993. The table included in this report shows how much formula grant money each state awarded indigent defense programs for fiscal years 1990 through 1994 based on yearly Clearinghouse survey responses.

The state-by-state summary, which follows, indicates whether indigent defense was included in the state plan for FY 1994; which programs received funds; how much federal money was received and under which authorized program areas; and how much state or other matching funds were received. Copies of some of the grant applications are available through the Clearinghouse.

Appended to this report is a copy of the *Bureau of Justice Assistance Fact Sheet* for FY 1995 regarding the Byrne grant program. The sheet includes a list of the authorized program areas and a table indicating the department's allocation of funds to the states for FY 1995. The plan for FY 1995 includes five new program purposes for which Byrne grant funding was made available. Notable among the newly authorized program purposes for FY 1995 is program area 26 which allows for funding of "[p]rograms that assist States in the litigation processing of death penalty, Federal habeas corpus petitions."

On September 12, 1995, the Senate Appropriations Committee passed a version of the FY 1996 Commerce/Justice appropriations bill that would provide \$475 million for the Byrne grant program. The bill passed by the House on July 26, 1995, also contains a similar appropriation of \$475 million for the Byrne grant program for FY 1996.

State plans on which funding for FY 1996 is based will be due to the Bureau of Justice Assistance within 60 days of official presidential approval of the appropriations legislation. It is important that indigent defense programs act early to ensure that they are fully incorporated into the plans developed by the applicable state administering agency.

Copies of grant applications and grant application information are available free to NLADA members, \$5.00 each for non-members, PREPAID. Additional copies of this report are available for \$5.00 to NLADA members and \$10.00 to non-members, PREPAID. Contact Katonia Douglas, NLADA, 1625 K Street, NW, Eighth Floor, Washington, DC, 20006, (202) 452-0620.

† The federal fiscal year 1994 began October 1, 1993 and ended September 30, 1994.

STATE-BY-STATE SUMMARIES

ALABAMA

This state did not respond to the survey.

ALASKA

Indigent defense was not included in the state plan for FY 1994. The Alaska Public Defender Agency was eligible to apply. The agency has made two previous applications, both of which were denied.

ARIZONA

According to the Drug Program Coordinator of the Arizona Criminal Justice Commission, because funding under the Byrne grant program is limited to a total of 48 months, indigent defense is no longer eligible for these funds in Arizona.

ARKANSAS

Although indigent defense was not included in the state plan for FY 1994, programs were still eligible to apply for funds.

Pulaski County Public Defender
Little Rock, AR

This program was awarded \$36,107 in federal money under authorized program area 10 and \$43,829 in other funds. The funds were used to support efforts to reduce unnecessary delays in the disposition of drug cases.

CALIFORNIA

According to the state administering office, indigent defense was included in the state plan for FY 1994.

County of Los Angeles Public Defender
Los Angeles, CA

This program was awarded \$853,836 in federal funds under program area 6. The funds were used for an early disposition program involving experienced prosecutors and public defenders working cooperatively to attain the maximum number of appropriate felony dispositions at the earliest possible stage of the criminal court process.

COLORADO

According to the program manager, the state did not include indigent defense in its plan for FY 1994 because the "Colorado State Public Defender did not identify federal funds as a preferred method of funding." Indigent defense programs were eligible to apply for funds, but none applied.

CONNECTICUT

Indigent defense was included in the state plan for FY 1994.

Division of Public Defender Services
Hartford, CT

This program received a total of \$259,575 in federal money under authorized program area 8 and state matching funds of \$86,525. Two grants were awarded. One grant will support the continuation of drug court personnel. The second grant will support the implementation of a new program called team case management, a program which will focus on the collaboration of attorneys and social workers in efforts to find alternatives to incarceration.

DELAWARE

This state did not include indigent defense in the state plan for FY 1994. Programs were eligible to apply for funds, however no funds were awarded.

DISTRICT OF COLUMBIA

Indigent defense was not included in the district's plan for FY 1994.

FLORIDA

According to the state grant administrator's office, indigent defense was not included in the state plan for FY 1994.

GEORGIA

According to the state grant administering office, indigent defense was included in the state plan for FY 1994.

Georgia Indigent Defense Council
Atlanta, GA

This program received \$60,000 in funds for program area 10. The funds were used for state level court delay reduction.

HAWAII

According to the state grant administrator's office, indigent defense was not included in the state plan for FY 1994 because "indigent defense was not identified as a need by the Office of the Public Defender." Programs were still eligible to apply. The program in Hawaii did in fact apply, however no funds were awarded.

IDAHO

According to the grant administering office, indigent defense was not included in the state plan for FY 1994.

ILLINOIS

According to the state grant administering office, indigent defense was included in the state plan for FY 1994. Federal funds totalling \$148,437 and matching local funds of \$49,437 were awarded in authorized area 10 to support a Specialized Public Defender Services program to handle current drug appeal cases. In its third year of funding, the unit consists of five attorneys, one in each State Appellate Defender District Office. An additional \$524,559 in federal funds and \$174,851 in local funds were awarded to six public defender offices to reduce court delays while improving efficiency and effectiveness of representation.

INDIANA

Indigent defense was not included in the state plan for FY 1994.

IOWA

Indigent defense was included in the state plan for FY 1994.

Office of the State Public Defender
Des Moines, IA

This program received \$83,715 under authorized area 15 for improving the information system utilized by public defenders.

KANSAS

According to the state grant administering office, indigent defense was not included in the state plan for FY 1994. The Kansas Board of Indigent Defense submitted applications in FY 1992 and in FY 1993 for funds, however, the grant administering office reported that the program did not submit an application in FY 1994.

KENTUCKY

According to the state grant administering office, Kentucky did not include indigent defense in its plan for FY 1994. However, the Department of Public Advocacy (DPA) recently reported that DPA has been awarded federal funds totaling \$89,643 and a state match of \$30,670 for a pretrial drug treatment and diversion project in FY 1995.

LOUISIANA

According to the state grant administering office, this state included indigent defense in its plan for FY 1994 under authorized program area 10 and a local program was awarded \$19,204 in federal funds and a local match of \$6,884. According to the state program administrator, the funds will be used to support efforts to ensure a speedy trial and due process, expedite drug cases and aid in improving the overall effectiveness of the court process.

MAINE

According to the grant administering office, indigent defense was not included in the state plan for FY 1994 because of funding constraints and because such inclusion was not an element in the state's strategy.

MARYLAND

According to the state grant administering office, the state included indigent defense in the state plan for FY 1994.

Office of the Public Defender
Baltimore, MD

Two of the branch offices of the statewide defender program received funds to support their drug defense units. The Baltimore office received \$200,000; the office in Prince George's County received \$560,000.

MASSACHUSETTS

According to the state program administrator, indigent defense was not included in the state plan for FY 1994 and programs were not eligible to apply. The office awarded funds to support continuation projects and since funding had not been sought previously through the state's "RFP" process, no programs were considered for funding.

MICHIGAN

This state did not respond to the survey.

MINNESOTA

According to the state grant coordinator, indigent defense was included in the state plan for FY 1994 and two projects were awarded funding.

Minnesota State Public Defender
Minneapolis, MN

One project was awarded \$10,000 in federal money and \$5,000 in state money to be used toward public defender training. A joint trial advocacy program was awarded \$15,000 in federal money and \$7,500 in state money.

MISSISSIPPI

This state did not include indigent defense in its plan for FY 1994.

MISSOURI

This state included indigent defense in its state plan for FY 1994.

Missouri State Public Defender System
Jefferson City, MO

Federal funds totaling \$254,765 and state matching funds of \$84,922 were awarded in continuation funds for an Alternative Sentencing Unit. Federal funds of \$77,855 and state matching funds of \$25,952 were awarded to fund a Strike Force Unit which consists of experienced public defenders who assist in difficult cases statewide. Also, federal funds totaling \$36,250 and state matching funds of \$12,083 were awarded for continuation of a Drug Court project.

After having received the full four years of federal funding, the Alternative Sentencing Project has now been picked up 100% with General Revenue Funding.

MONTANA

According to the program that responded to the survey, indigent defense was not included in the state plan for FY 1994. The program had requested a grant application but never received one from the Board of Crime Control.

NEBRASKA

Indigent defense was in the state plan for FY 1994 under program area 10.

Lancaster County Public Defender
Lincoln, NE

This program was awarded \$13,504 in federal money and \$4,502 in state money in support of its training activities.

NEVADA

This state did not include indigent defense in the FY 1994 plan. According to the grant administering office, funds are being used primarily in support of continuation programs.

NEW HAMPSHIRE

Indigent defense was not in this state's plan for FY 1994.

NEW JERSEY

This state included indigent defense in its state plan for FY 1994.

Office of the Public Advocate
Trenton, NJ

This program received \$151,735 in federal funds and matching state monies of \$50,578. These funds were provided to the Office of the Public Advocate as part of the Trenton Weed and Seed Program. The goal of the program is to improve case management in the courts by providing additional public defenders with judicial teams in Mercer County.

NEW MEXICO

Indigent defense was included in the state plan for FY 1994. However, no FY 1994 funds were awarded to the state's indigent defense provider.

NEW YORK

According to the state administering office, \$2,616,840 in federal funds was awarded to a number of unspecified defender programs within the state to provide defense services to indigent defendants charged with felony drug offenses and for violation of parole through use of drugs.

NORTH CAROLINA

According to the state administering office, indigent defense was not included in FY 1994 because it does not compliment their strategy for funding.

NORTH DAKOTA

This state did not include indigent defense in its plan for FY 1994 because the strategy for applying identifies continued efforts. New programs are not excluded, but accepted on a competitive basis.

OHIO

According to the state grant administering office, indigent defense was included in its plan for FY 1994 in program areas 1 and 2.

Office of the Public Defender
Columbus, OH

This program was awarded a total of \$142,607 in federal funds and \$47,535 in state monies to fund two separate programs. One of the projects will use the funds to audit, review and revise the indigent defense delivery system for more cost effective and efficient representation. This project also included funds for computers and software. The second project will fund a victim-offender mediation and reconciliation program serving nine counties.

OKLAHOMA

Indigent defense was not included in the state plan for FY 1994 because, according to the state grants administrator, "their office does not respond to correspondence." However, an indigent defense provider in the state reported that the District Attorney Council oversees the program and each year, the Council specifies areas for funding that are prosecution-oriented only.

OREGON

According to the administering office, indigent defense was not included in the state plan for FY 1994 and programs were not eligible to apply. The Metropolitan Public Defender, Multnomah County Section in Portland, reported the office's intention to apply for a continuation grant to fund a joint court, district attorney and defense diversion project.

PENNSYLVANIA

According to the state administering office, indigent defense was not included in the state plan for FY 1994 because it was not identified as a priority program area during state planning.

PUERTO RICO

The Commonwealth of Puerto Rico did not include indigent defense in its plan for FY 1994. According to the administering office, the office was unaware that indigent defense agencies could receive funds through the program. The director of the state administering office reported that the Legal Aid Society has since been invited to submit an application in FY 1995.

RHODE ISLAND

This state included indigent defense in its plan for FY 1994.

Office of the Public Defender
Providence, RI

This program was awarded a total of \$222,567 in federal funds and \$74,188 in state monies to fund two separate programs. One of the projects will establish an arraignment/bail program to reduce the length of pretrial incarceration. The other project funds will support the office's representation of parent-respondents in state custody cases.

SOUTH CAROLINA

South Carolina included indigent defense in its state plan for FY 1994 under program area 10. A total of \$376,404 in federal money and \$125,469 in state matching funds went to indigent defense programs to provide additional personnel to reduce court delay and jail overcrowding by providing quality defense representation to indigent clients charged with drug offenses.

Public Defender of Florence County
Florence, SC

This program received \$30,571 in federal money and \$10,191 in matching funds for third-year funding.

Public Defender of Greenwood County
Greenwood, SC

This program received \$48,037 in federal money and \$16,014 in matching funds for third-year funding.

York County Public Defender Corp.
York, SC

This program received \$140,083 in federal money and \$46,693 in matching funds for first-year funding.

Cherokee County Public Defender Corp.

This program received \$82,866 in federal money and \$27,622 in matching funds for second-year funding.

Public Defender of Pickens County
Pickens, SC

This program received \$74,847 in federal money and \$24,949 in matching funds for second-year funding.

SOUTH DAKOTA

This state did not respond to the survey.

TENNESSEE

According to the state grants coordinator, this state included indigent defense in the state plan for FY 1994.

Tennessee District Public Defenders Conference
Nashville, TN

This office was awarded \$206,000 in federal funds and \$68,667 in state funds to support the continuation of a project that funds the office's appellate drug defender program.

Shelby County Drug Court

Funding was awarded to this program to enable the court to provide representation to indigent defendants appearing in the Shelby County Drug Court. Federal funds totaling \$192,000 were awarded to this project; state funds totaled \$64,000.

Metro Davidson Public Defenders Sentencing Consultant

Federal funds of \$28,470 were awarded for a consultant to provide assistance by finding alternatives to incarceration for offenders who are habitual substance abusers including a 10-week drug program; state funds totaled \$9,490.

TEXAS

According to the state grant administrator's office, Texas did not include indigent defense in its plan for FY 1994 and programs were not eligible to apply.

UTAH

This state did not include indigent defense in the state plan for FY 1994. According to the grant program manager, "no proposals requesting indigent funding were submitted for consideration. The Byrne Grant Coordinator recently contacted the indigent defense representative who sits on the control board and indicated that funds may be requested next year." Programs were eligible to apply for funds, but none applied. The grant program manager indicated that had any programs applied they would not, in all likelihood, have received any funds since the state's FY 1994 funding was cut and most of the programs funded were through continuation grants.

Notwithstanding this response from the state, an indigent defense provider who responded to the survey indicated that indigent defense was not included in the state plan because its inclusion "was not passed at the C.C.J.J. [Commission on Criminal and Juvenile Justice] level." The provider's perception was that indigent defense programs were not eligible to apply.

VERMONT

Indigent defense was included in the state plan for FY 1994.

Office of the Defender General
Montpelier, VT

This program received \$35,000 in federal money under program areas 10 and 18 to fund a contract attorney in the northern half of the state to provide direct representation to persons charged with drug offenses; and a contract attorney in the southern half of the state to provide direct representation to juveniles who have been the victims of sexual or physical abuse and to persons charged with domestic violence crimes.

VIRGINIA

Indigent defense was not included in the state plan for FY 1994. No reason was given.

WASHINGTON

Indigent defense was included in the state plan for FY 1994.

Washington Defender Association
Seattle, WA

This program received \$215,000 under program area 10 to provide information, training, computer brief banks, technical assistance and resource consulting for the purpose of assisting defense attorneys with drug cases.

WEST VIRGINIA

According to the state administering office, indigent defense was not included in the state plan for FY 1994 because it was not identified as a goal area during strategic planning.

WISCONSIN

Indigent defense was not included in the state plan for FY 1994. According to the state administering office, the state plan is general. When grant money is received, one third of the money goes directly to law enforcement and two thirds of the money is distributed to state agencies through the legislative process. Programs are reportedly eligible to "lobby" for funds through the legislature. One program reported that they had applied for and been denied funds and they no longer apply.

WYOMING

According to the state administering office, this state did not include indigent defense in its plan for FY 1994 because it was not identified as a priority.

FORMULA GRANT FUNDS AWARDED TO INDIGENT DEFENSE PROGRAMS

	FY 1994	FY 1993	FY 1992	FY 1991	FY 1990
Alabama ¹	—	0	0	0	0
Alaska	0	—	—	0	0
Arizona	0	—	\$136,960	0	0
Arkansas	\$36,107	0	\$32,000	\$32,000	0
California	\$853,836	\$1,057,719	\$996,824	\$789,000	\$250,000
Colorado	0	0	0	0	0
Connecticut	\$235,443	\$519,150	\$444,150	\$632,047	\$400,000
Delaware	0	0	\$287,143	\$358,930	\$400,000
District of Columbia	0	0	\$100,000	\$175,000	0
Florida	0	\$125,000	0	\$160,000	0
Georgia	\$60,000	\$60,000	\$70,100	\$110,400	0
Hawaii	0	\$41,250	\$52,500	\$46,891	0
Idaho	0	0	0	0	0
Illinois	\$672,996	\$150,000	\$665,000	\$684,559	0
Indiana	0	\$353,300	\$353,300	\$654,711	\$280,000
Iowa	\$83,715	\$75,672	\$7,469	\$7,694	0
Kansas	0	0	\$29,250	\$39,000	0
Kentucky ²	0	0	\$101,100	0	\$68,379
Louisiana	\$19,204	\$63,205	\$134,206	\$85,000	\$60,900

¹ In instances where no figure is entered, NLADA received no survey response and thus, could not determine whether indigent programs received funds.

² In FY 91, Kentucky received leftover FY 90 funds.

	FY 1994	FY 1993	FY 1992	FY 1991	FY 1990
Maine	0	—	—	0	0
Maryland	\$760,000	\$575,294	\$550,200	\$875,000	0
Massachusetts	0	0	0	0	\$600,000
Michigan	—	\$115,000	\$110,000	\$120,000	0
Minnesota	\$25,000	\$159,300	\$159,300	\$162,678	\$50,000
Mississippi	—	0	0	0	
Missouri	\$368,870	\$137,543	\$137,657	\$138,000	0
Montana	0	0	0	0	0
Nebraska	\$13,503	\$16,000	\$54,086	\$9,000	0
Nevada	0	0	\$4,000	\$5,000	0
New Hampshire	0	0	0	0	0
New Jersey	\$151,735	\$1,067,306	\$708,866	\$1,574,835	\$400,000
New Mexico	0	\$85,000	\$85,000	\$100,000	\$50,000
New York	\$2,616,840	\$2,713,902	\$2,138,690	\$2,665,701	\$1,217,391
North Carolina	0	0	0	0	0
North Dakota	0	0	0	0	0
Ohio	\$142,607	\$293,137	\$245,376	\$220,000	0
Oklahoma	0	0	0	0	0
Oregon	0	0	0	0 ³	0
Pennsylvania	0	0	0	0	0
Puerto Rico	0	0	0	0	0
Rhode Island	\$222,567	\$60,000	0	0	0
South Carolina	\$376,404	\$334,363	\$225,392	\$124,137	0

³ The Metropolitan Public Defender Services, Inc. of Portland, OR was not awarded funds, but, instead, received computer equipment valued at \$4,000-\$5,000 from the courts. The courts bought the equipment with federal grant funds.

	FY 1994	FY 1993	FY 1992	FY 1991	FY 1990
South Dakota	—	0	0	\$50,000	0
Tennessee	\$426,470	\$295,430	\$206,000	\$304,136	0
Texas	0	0	0	0	0
Utah	0	0	0	0	0
Vermont	\$35,000	\$35,000	\$35,000	\$34,000	\$40,000
Virginia	0	0	0	0	0
Washington	\$215,000	\$214,830	\$231,000	\$170,000	\$8,000
West Virginia	0	0	0	0	0
Wisconsin	0	0	0	0	0
Wyoming	0	0	0	0	0
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Total	\$7,315,297	\$8,566,741	\$8,291,569	\$10,327,719	\$3,824,670

* Some FY 1990 figures were obtained from Federal Funds for State and Local Public Defenders Under the Drug Control and System Improvement Formula Grant Program, FY1991, (November 12, 1990), written for the American Bar Association's Bar Information Program by Robert L. Spangenberg and Andrew H. Tarsey.

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

ALABAMA

Douglas Miller
Section Chief
Law Enforcement/Highway
Traffic Safety Division
Department of Economic and
Community Affairs
401 Adams Avenue, P.O. Box 5690
Montgomery, Alabama 36103-5690

Contact: Douglas Miller
Phone: (334) 242-5891
Fax: (334) 242-0712

ARKANSAS

Jerry Duran
Administrator
Office of Intergovernmental Services
Department of Finance and Administration
1515 Building, Suite 417
P.O. Box 3278
Little Rock, Arkansas 72203

Contact: Gordon Burton
Phone: (501) 682-1074
Fax: (501) 682-5206

ALASKA

Colonel Glenn Godfrey
Director
Alaska State Troopers
5700 East Tudor Road
Anchorage, Alaska 99507

Contact: Catherine Katsel
Phone: (907) 269-5082
Fax: (907) 337-2059

CALIFORNIA

Ray Johnson
Executive Director
Office of Criminal Justice Planning
1130 K Street, Suite 300
Sacramento, California 95814

Contact: Glenn E. Johnson
Phone: (916) 324-9166
Fax: (916) 324-8714

ARIZONA

Rex M. Holgerson
Executive Director
Arizona Criminal Justice Commission
1501 West Washington Street, Suite 207
Phoenix, Arizona 85007

Contact: Joseph R. Farmer
Phone: (602) 542-1928
Fax: (602) 542-4852

COLORADO

Bill Woodward
Director
Division of Criminal Justice
700 Kipling Street, 3rd Floor
Denver, Colorado 80215

Contact: John Inmann
Phone: (303) 239-4442
Fax: (303) 239-4491

CONNECTICUT

Susan Shimelman
Under Secretary
Office of Policy and Management
Policy Planning Division
80 Washington Street
Hartford, Connecticut 06106

Contact: Thomas A. Siconolfi
Phone: (203) 566-3500
Fax: (203) 566-1589

DELAWARE

Thomas J. Quinn
Executive Director
Criminal Justice Council
Carvel State Office Building
820 N. French Street, 4th Floor
Wilmington, Delaware 19801

Contact: Tricia Peraino
Phone: (302) 577-3466
Fax: (302) 577-3440

DISTRICT OF COLUMBIA

Robert L. Lester
Acting Executive Director
Office of Grants Management and Development
717 14th Street, N.W.
Suite 500
Washington, D.C. 20005

Contact: Nancy G. Becker
Phone: (202) 727-6554
Fax: (202) 727-1617

FLORIDA

John A. Lenaerts
Chief
Bureau of Community Assistance
The Rhyne Building
2740 Centerview Drive
Tallahassee, Florida 32399

Contact: Clayton Wilder
Phone: (904) 488-8016
Fax: (904) 487-4414

GEORGIA

Terry Norris
Director
Criminal Justice Coordinating Council
503 Oak Place
Suite 540
Atlanta, Georgia 30349

Contact: Derrick Marchman
Phone: (404) 559-4949
Fax: (404) 559-4960

HAWAII

The Honorable Margery S. Bronster
Attorney General
State of Hawaii
425 Queen Street, Room 221
Honolulu, Hawaii 96813

Contact: Lari Koga
Resource Coordination Division
Phone: (808) 586-1151
Fax: (808) 586-1373

IDAHO

Robert L. Sobba
Director
Idaho Department of Law Enforcement
P.O. Box 700
Meridian, Idaho 83680-0700

Contact: Cheri Elms
Phone: (208) 884-7040
Fax: (208) 884-7094

IOWA

Charles W. Larson
Coordinator
Governor's Alliance on Substance Abuse
Lucas State Office Building
Des Moines, Iowa 50309

Contact: Jan Rose
Phone: (515) 281-7233
Fax: (515) 242-6390

ILLINOIS

Thomas F. Baker
Executive Director
Illinois Criminal Justice Information Authority
120 S. Riverside Plaza
Suite 1016
Chicago, Illinois 60606

Contact: Candice M. Kane
Phone: (312) 793-8550
Fax: (312) 793-8422

KANSAS

Barbara Tombs
Acting Executive Director
Kansas Criminal Justice
Coordinating Council
700 S.W. Jackson, Room 501
Topeka, Kansas 66603

Contact: Ronald McVeigh
Phone: (913) 296-0923 (Moots)
(913) 296-0926 (McVeigh)
Fax: (913) 296-0927

INDIANA

Catherine O'Connor
Executive Director
Indiana Criminal Justice Institute
302 W. Washington St., Rm E-209
Indianapolis, Indiana 46204

Contact: Brian Liggitt
Phone: (317) 232-2561
Fax: (317) 232-4979

KENTUCKY

Gary Brunner
Assistant Director
Division of Grants Management
Justice Cabinet
Bush Building
403 Wapping Street, 2nd Floor
Frankfort, Kentucky 40601

Contact: Debra McGovern
Phone: (502) 564-7554
Fax: (502) 564-4840

LOUISIANA

Michael Ranatza
Executive Director
Louisiana Commission on Law Enforcement
1885 Wooddale Blvd., Suite 708
Baton Rouge, Louisiana 70806

Contact: **Debbie Maggio**
Phone: (504) 925-3513
Fax: (504) 925-1998

MASSACHUSETTS

Jonathan M. Petuchowski
Executive Director
Division of Programs
Executive Office of Public Safety
100 Cambridge St., Room 2100
Boston, Massachusetts 02202

Contact: **Susan Foster**
Phone: (617) 727-6300
Fax: (617) 727-5356

MAINE

Alfred Skolfield Jr.
Commissioner
Department of Public Safety
State House Station 42
Augusta, Maine 04333

Contact: **David Giampetruzzi**
Maine Justice Assistance Council
93 Silver Street
Waterville, Maine 04901

Phone: (207) 877-8016
Fax: (207) 877-8027

MICHIGAN

Robert E. Peterson
Director
Office of Drug Control Policy
Michigan National Tower
124 W. Allegan, Suite 1200
P.O. Box 30026
Lansing, Michigan 48909

Contact: **Ardith DaFoe**
Phone: (517) 373-2952
Fax: (517) 373-2963

MARYLAND

Terry Walsh Roberts
Executive Director
Governor's Drug and Alcohol Abuse
Commission
300 E. Joppa Road, Suite 1105
Towson, Maryland 21286

Contact: **Greg Leyko**
Phone: (410) 321-3521
Fax: (410) 321-3116

MINNESOTA

Mary Ellison
Assistant Commissioner
Office of Drug Policy and Violence Prevention
Department of Public Safety
444 Cedar Street, Suite 100-D
Town Square
St. Paul, Minnesota 55101-2156

Contact: **Jeri Boisvert**
Phone: (612) 296-0922
Fax: (612) 297-7313 (ODP)

MISSISSIPPI

Donald O'Cain
Executive Director
Division of Public Safety Planning
Department of Public Safety
401 North West Street, 8th Floor
P.O. Box 23039
Jackson, Mississippi 39225-3039

Contact: **Herbert Terry**
Phone: (601) 359-7880
Fax: (601) 359-7832

NEBRASKA

Allen L. Curtis
Executive Director
Nebraska Commission on Law Enforcement &
Criminal Justice
301 Centennial Mall South
P.O. Box 94946
Lincoln, Nebraska 68509

Contact: **Nancy Steeves**
Phone: (402) 471-3416
Fax: (402) 471-2837

MISSOURI

Gary B. Kempker
Director
Missouri Department of Public Safety
Truman State Office Building
Room 870, P.O. Box 749
Jefferson City, Missouri 65102-0749

Contact: **Kenneth Higgins**
Phone: (314) 751-4905
Fax: (314) 751-5399

NEVADA

James P. Weller
Director
Department of Motor Vehicles and Public Safety
555 Wright Way
Carson City, Nevada 89711-0900

Contact: **Mary Lynne Evans**
Office of Narcotics Control
Assistance
Phone: (702) 687-5282
Fax: (702) 687-5328

MONTANA

Gene Kiser
Executive Director
Montana Board of Crime Control
303 North Roberts
Scott Hart Bldg.
Helena, Montana 59620

Contact: **Cathy Kendall**
Phone: (406) 444-3604
Fax: (406) 444-4722

NEW HAMPSHIRE

Mark C. Thompson
Director of Administration
Office of the Attorney General
33 Capitol Street
Concord, New Hampshire 03301

Contact: **Paul Doran**
Phone: (603) 271-1297
Fax: (603) 271-2110

NEW JERSEY

Terrence P. Farley
Director
Division of Criminal Justice
Department of Law and Public Safety
25 Market Street
CN 085
Trenton, New Jersey 08625-0085

Contact: Dennis O'Hara
Phone: (609) 292-5939
Fax: (609) 292-1451

NORTH CAROLINA

Bill Pittman
Executive Director
Governor's Crime Commission
3824 Barrett Drive, Suite 100
Raleigh, North Carolina 27609

Contact: Mark Jones
Phone: (919) 571-4736
Fax: (919) 571-4745

NEW MEXICO

Darren P. White
Cabinet Secretary
Department of Public Safety
P.O. Box 1628
Santa Fe, New Mexico 87504

Contact: Harold Byford
Phone: (505) 827-9099
Fax: (505) 827-3434

NORTH DAKOTA

William Broer, Jr.
Director
Bureau of Criminal Investigation
Attorney General's Office
3303 East Main
P.O. Box 1054
Bismarck, North Dakota 58502

Contact: Tammy Becker
Phone: (701) 328-5500
Fax: (701) 328-5510

NEW YORK

Paul Shechtman
Commissioner
New York State Division of Criminal
Justice Services
Executive Park Tower
Stuyvesant Plaza
Albany, New York 12203-3764

Contact: Gary Schreivogl
Phone: (518) 457-8462
Fax: (518) 457-1186

OHIO

Michael Lee
Acting Director
Governor's Office of Criminal Justice Services
400 East Town Street, Suite 120
Columbus, Ohio 43215

Contact: Karen Days
Phone: (614) 466-7782
Fax: (614) 466-0308

OKLAHOMA

Bruce Walker
Executive Coordinator
District Attorneys Training &
Coordination Council
2200 Classen Blvd., Suite 1800
Oklahoma City, Oklahoma 73106-5811

Contact: Gayle Caldwell
Phone: (405) 557-6707
Fax: (405) 524-0581

PUERTO RICO

The Honorable Pedro R. Pierluisi
Attorney General
Department of Justice
Commonwealth of Puerto Rico
P.O. Box 192
San Juan, Puerto Rico 00902

Contact: Astrid Conde-Ramirez
Phone: (809) 725-0335
Fax: (809) 725-6144

OREGON

Greg Peden
Director
Criminal Justice Services Division
Department of Administration
155 Cottage Street, N.E.
Salem, Oregon 97310

Contact: Greg Peden
Phone: (503) 378-4123
Fax: (503) 378-8666

RHODE ISLAND

Joseph Pomposelli
Acting Executive Director
Governor's Justice Commission
275 Westminster Street, 3rd Floor
Providence, Rhode Island 02903

Contact: David LeDoux
Phone: (401) 277-2620
Fax: (401) 277-1294

PENNSYLVANIA

James Thomas
Executive Director
Pennsylvania Commission on Crime
and Delinquency
P.O. Box 1167, Federal Square Station
Harrisburg, Pennsylvania 17108-1167

Contact: Richard Reeser
Phone: (717) 787-2040
Fax: (717) 783-7713

SOUTH CAROLINA

George Hendry
Administrator
Office of Safety and Grants
Department of Public Safety
5400 Broad River Road
Columbia, South Carolina 29210-4088

Contact: Lisa A. Nine
Phone: (803) 896-8708
Fax: (803) 896-8714

SOUTH DAKOTA

James D. Hagen
Governor's Aide
Governor's Office of Operations
State Capitol Building
500 E. Capitol Avenue
Pierre, South Dakota 57501-5070

Contact: Wanda L. Fergen
Phone: (605) 773-6313
Fax: (605) 773-6471

UTAH

S. Camille Anthony
Executive Director
Commission on Criminal and Juvenile Justice
State Capitol Building
Room 101
Salt Lake City, Utah 84114

Contact: Laura Lewis
Phone: (801) 538-1031
Fax: (801) 538-1024

TENNESSEE

Marsha Willis
Director
Office of Program Assessment & Support
Criminal Justice Administration
1400 Andrew Jackson Building
500 Deaderick Street
Nashville, Tennessee 37243-1700

Contact: Marsha Willis
Phone: (615) 741-3784
Fax: (615) 532-2989

VERMONT

James Walton, Jr.
Commissioner
Vermont Department of Public Safety
Waterbury State Complex
103 S. Main Street
Waterbury, Vermont 05676-0850

Contact: Capt. Donald Ravenna
Phone: (802) 244-8781
Fax: (802) 244-1106

TEXAS

Karen J. Greene
Executive Director
Criminal Justice Division
Office of the Governor
P.O. Box 12428, Capitol Station
Austin, Texas 78711

Contact: Eddie Hebison
Phone: (512) 463-1952
Fax: (512) 475-2440

VIRGINIA

Bruce C. Morris
Director
Department of Criminal Justice Services
805 East Broad Street, 10th Floor
Richmond, Virginia 23219

Contact: Joe Marshall
Phone: (804) 786-1577
Fax: (804) 371-8981

VIRGIN ISLANDS

Ramon S. Davila
Police Commissioner/Drug Policy Advisor
Virgin Islands Law Enforcement
Planning Commission
116 & 164 Submarine Base
Estate Nisky #6 Southside Quarters
St. Thomas, Virgin Islands 00802

Contact: Helene Smollett
Phone: (809) 774-6400
Fax: (809) 774-4057

WISCONSIN

Steven D. Sell
Executive Director
Wisconsin Office of Justice Assistance
222 State Street, Second Floor
Madison, Wisconsin 53702

Contact: Raymond J. Luick
Phone: (608) 266-7282
Fax: (608) 266-6676

WASHINGTON

Mike Fitzgerald
Director
Washington State Department of Community,
Trade & Economic Development
906 Columbia Street, S.W.
P.O. Box 48300
Olympia, Washington 98504

Contact: Kay Boyd
Phone: (360) 586-0665
Fax: (360) 586-0489

WYOMING

Thomas J. Pagel
Director
Division of Criminal Investigation
316 West 22nd Street
Cheyenne, Wyoming 82002

Contact: Sandra Mays
Phone: (307) 777-7181
Fax: (307) 777-7252

WEST VIRGINIA

James M. Albert
Director
Office of Criminal Justice
& Highway Safety
Department of Military
Affairs & Public Safety
1204 Kanawha Blvd., East
Charleston, W. VA 25301

Contact: Melissa Whittington
Phone: (304) 558-8814
Fax: (304) 558-0391

AMERICAN SAMOA

Malaetasi M. Togafau
Attorney General
Office of Legal Affairs
American Samoa Government
P.O. Box 7
Pago Pago, American Samoa 96799

Contact: Craig Keener
Phone: (9) (011) 684-633-4163
Fax: (9) (011) 684-633-1838

**COMMONWEALTH,
NO. MARIANA ISLANDS**

Jack Ogumoro
Executive Director
Criminal Justice Planning Agency
Commonwealth of the Northern Mariana Islands
Office of the Governor
Saipan, MP 96950

Contact: Jack Ogumoro
Phone: (9) (011) 670-322-9350
Fax: (9) (011) 670-322-6311

GUAM

Michael J. Cruz
Acting Director
Bureau of Planning
Governor's Office
P.O. Box 2950
Agana, Guam 96910

Contact: Miki Leon Guerrero
Phone: (9) (011) 671-472-8931 (ext 405)
Fax: (9) (011) 671-477-1812

CRA

Doyle A. Wood
Project Director
Community Research Associates
311 Plus Park Blvd., Suite 100
Nashville, TN 37217

Phone: (615) 399-9908
Fax: (615) 399-9301



BJA Bureau of Justice Assistance Fact Sheet

Nancy E. Gist, Director

Edward Byrne Memorial State and Local Law Enforcement Assistance

FY 1995

Through the Edward Byrne Memorial State and Local Law Enforcement Assistance Program (the Byrne Program), the Bureau of Justice Assistance (BJA) provides leadership and guidance on crime and violence prevention and control, and 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 (Pub. L. 100-690), places emphasis on drug-related crime, violent crime, and serious offenders, as well as multijurisdictional and multi-State efforts to support national drug control priorities.

BJA makes Byrne Program funds available through a Discretionary Grant Program and a Formula Grant Program. BJA awards discretionary grant funds directly to public and private agencies and private nonprofit organizations. Formula grant funds are awarded to the States, which then make subawards to State and local units of government.

Discretionary Grant Program

Program purposes: The Discretionary Grant Program provides Federal financial assistance to grantees for the following activities directly related to crime and violence prevention and control:

- Undertaking educational and training programs for criminal justice personnel.
- Providing technical assistance to State and local units of government.

- Undertaking projects that are national or multijurisdictional in scope.
- Providing financial assistance for demonstration programs that, in view of previous research or experience, are likely to be a success in more than one jurisdiction.

Funding: In FY 1995, \$50 million has been appropriated for the Byrne Discretionary Grant Program. An additional \$12 million has been appropriated specifically for correctional options programs.

Eligibility: Public and private agencies and private nonprofit organizations are eligible to apply for and receive funds under this program.

Matching requirements: Grants may be awarded for up to 100 percent of the costs of an approved project. A new policy implemented in FY 1995 advised jurisdictions participating in a demonstration program in FY 1995 that the Federal share of subsequent awards, if any, to those jurisdictions will decline by 25 percent per continuation award.

Program priorities: During FY 1995, program priorities focus on developing and implementing comprehensive approaches to crime, neighborhood-based programs with active citizen involvement, and violence prevention and control initiatives, with an emphasis on youth violence, as well as on improving the ability of the criminal justice system to remove serious and violent offenders from our communities.

Funding is available on a competitive basis in FY 1995 for the following programs:

- Communities in Action To Prevent Drug Abuse.
- Homicide Program.
- Firearms Control Program.

- Anti-Car-Theft Program.
- Adjudication Partnerships.
- Improving the Interaction Among Tribal, State, and Federal Courts.
- Litigation Project.
- Health Care Fraud Investigation and Prosecution Demonstration Program.

Several of these programs are limited competitions, available only to specified jurisdictions or organizations. Applications for competitive programs are due on July 28, 1995.

BJA's FY 1995 Program Announcement and Application Kit includes descriptions of the competitive programs and serves as a request for proposals. The kit outlines specific program requirements, as well as general application requirements, and provides the forms needed to complete an application. The kit also includes a copy of the Program Plan that describes BJA's priorities for FY 1995 and provides a short description of all programs that are planned for FY 1995.

A panel of experts will be established for each competitive program area to review and rank the applications. Funding decisions are made by the Director of BJA. Awards are made to applicants that offer the greatest potential for achieving program objectives.

Formula Grant Program

Program purposes: The Formula Grant Program is designed as a working partnership among Federal, State, and local governments to provide safer communities and a high quality of justice. BJA is authorized to make grants to States, for use by State and local units of 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 offenses established in the Federal Controlled Substances Act. Grants may provide personnel, equipment, training, technical assistance, and information systems for more widespread apprehension, prosecution, adjudication, detention, and rehabilitation of persons who violate such laws, and may provide assistance (other than compensation) to their victims. There are 26 legislatively authorized purpose areas (outlined in the next section) for which assistance may be provided.

Eligibility: The 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands all are eligible to apply for formula grant funds.

For the purposes of the Formula Grant Program, references to "State" include all of these eligible entities.

Funding: In FY 1995, \$450 million has been appropriated for the Formula Grant Program. From this allocation, each State receives a base amount of 0.25 percent of the total formula allocation, with the remaining funds allocated on the basis of each State's relative share of the total U.S. population.

Statewide strategy: Each State is required to develop a statewide strategy to improve the functioning of the criminal justice system, with an emphasis on drug trafficking, violent crime, and serious offenders. The strategy is 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.

State office: The chief executive of each participating State designates a State office to administer the program and to coordinate the distribution of funds with State agencies receiving 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 designated to administer this program.

Administrative funds: Up to 10 percent of the formula grant funds allocated to a State may be used for administration of the Formula Grant Program.

Matching requirements: At least 25 percent of the cost of a formula grant program or project must be paid 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. The match is generally met on a project-by-project basis, although BJA can approve a statewide match option.

Passthrough: Local units of government must receive a share of the State's formula grant funds. This share must be equal to the ratio of local criminal justice expenditures to total criminal justice expenditures for the State.

Funding priorities: In distributing funds, the State is directed to give priority to those jurisdictions with the greatest need.

Congressional mandates: The States are required to comply with the following congressional mandates:

- Criminal Justice Records Improvement:** States must use at least 5 percent of their awards for the improvement of criminal justice records.

- ❑ **Reporting Alien Convictions:** States must notify the Immigration and Naturalization Service of alien convictions, and provide the records of those convictions.
- ❑ **Testing Sex Offenders for HIV:** States must have and enforce a law that requires sex offenders to be tested for HIV if the victim requests such testing. If a State fails to comply, 10 percent of the State's formula grant will be withheld.

Construction: Grant funds may be used for construction of penal and correctional institutions only. Acquisition of land with grant funds is prohibited.

Period of project support: Projects may be funded under the Formula Grant Program for a maximum of 4 years (48 months). The exceptions are grants for multijurisdictional drug task forces, victim assistance programs, and multijurisdictional gang task forces, which may be funded beyond the 4 years.

Legislatively Authorized Program Purposes

Both the discretionary and the 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 that integrate Federal, State, and local drug law enforcement agencies and prosecutors for the purpose of enhancing inter-agency coordination and intelligence and facilitating multijurisdictional investigations.
3. Programs that 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 that assist citizens in preventing and controlling crime, including special programs that address the problems of crimes committed against the elderly and special programs for rural jurisdictions.
5. Programs that disrupt illicit commerce in stolen goods and property.
6. Programs that 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 that improve the operational effectiveness of law enforcement through the use of crime analysis techniques, street sales enforcement, schoolyard violator programs, and gang-related and low-income housing drug control programs.
- b. Programs to develop and implement anti-terrorism plans for deep draft ports, international airports, and other important facilities.
8. Career criminal prosecution programs, including the development of proposed model drug control legislation.
9. Financial investigative programs that target the identification of money laundering operations and assets obtained through illegal drug trafficking, including the development of proposed model legislation, financial investigative training, and financial information-sharing systems.
10. Programs that improve the operational effectiveness of the court process by expanding prosecutorial, defender, and judicial resources and implementing court delay reduction programs.
11. Programs designed to provide additional public correctional resources and to improve the corrections system, including treatment in prisons and jails, intensive supervision programs, and long-range corrections and sentencing strategies.
12. Prison industry projects designed to place inmates in a realistic working and training environment that will enable them to acquire marketable skills and to make financial payments for restitution to their victims, for support of their own families, and for support of themselves in the institution.
13. Programs that identify and meet the treatment needs of adult and juvenile drug-dependent and alcohol-dependent offenders.
14. Programs that provide assistance to jurors and witnesses and assistance (other than compensation) to victims of crime.
15. a. Programs that improve drug control technology, such as pretrial drug testing programs; programs that provide for the identification, assessment, referral to treatment, case management, and monitoring of drug-dependent offenders; and programs that provide enhancement of State and local forensic laboratories.
- b. Criminal justice information systems that assist law enforcement, prosecution, courts, and corrections organizations (including automated fingerprint identification systems).

16. Innovative programs that demonstrate new and different approaches to enforcement, prosecution, and adjudication of drug offenses and other serious crimes.

17. Programs that address the problems of drug trafficking and the illegal manufacture of controlled substances in public housing.

18. Programs that 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. Drug control evaluation programs that State and local units of government may utilize to evaluate programs and projects directed at State drug control activities.

20. Programs that provide alternatives to detention, jail, and prison for persons who pose no danger to the community.

21. Programs in which the primary goal is to strengthen urban enforcement and prosecution efforts targeted at street drug sales.

22. Programs for the prosecution of driving-while-intoxicated charges and the enforcement of other laws relating to alcohol use and the operation of motor vehicles.

23. Programs that address the need for effective bindover systems for the prosecution of violent 16- and 17-year-old juveniles in courts with jurisdiction over adults for certain violent crimes.

24. Law enforcement and prevention programs that relate to gangs or to youth who are involved in or are at risk of involvement in gangs.

25. Programs that develop or improve forensic laboratory capabilities to analyze DNA for identification purposes.

26. Programs that assist States in the litigation processing of death penalty, Federal habeas corpus petitions.

Program Evaluation

The Anti-Drug Abuse Act of 1988 specifically mandates BJA's program evaluation activities. The goal is to identify programs of proven effectiveness and to disseminate information about these programs so that other jurisdictions throughout the country can replicate them. In addition, program 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 a reasonable number of comprehensive evaluations of selected programs receiving discretionary and formula grant funds. The Director of NIJ is required to report to the President, the Attorney General, and the Congress on the nature and findings of the evaluation activities related to the Byrne Program.

Formula grant program applicants are required to include an evaluation component that meets the BJA/NIJ evaluation guidelines; the Director of BJA may waive this requirement under certain circumstances. Each State is required to provide BJA with an annual report that includes a summary of its grant activities and an assessment of the impact of these programs on the needs identified in its statewide strategy. Formula grant funds may be used to pay for evaluation activities.

Applicants for discretionary grant funding are required to include an evaluation component in their applications and to agree to conduct required evaluations according to procedures and terms established by BJA.

The Director of BJA is required to submit to the Speaker of the House of Representatives and the President pro tempore of the Senate an annual report that contains evaluation results of BJA programs and projects and State strategy implementation.

For Further Information

For additional information on the Bureau of Justice Assistance and its programs, contact any of the following offices:

Bureau of Justice Assistance, 633 Indiana Avenue NW., Washington, DC 20531.

Department of Justice Response Center at 1-800-421-6770 or locally at 202-307-1480, Monday through Friday, 9 a.m. to 5 p.m. eastern time.

BJA Clearinghouse at 1-800-688-4252, Monday through Friday, 8:30 a.m. to 7 p.m. eastern time. In addition to obtaining program information, callers may request to be placed on the BJA mailing list or to order copies of BJA publications.

Formula Grant Program Allocation of Funds

State	FY 1995 Allocation	Percentage To Be Passed Through to Local Jurisdictions	State	FY 1995 Allocation	Percentage To Be Passed Through to Local Jurisdictions
Alabama	\$ 7,332,000	50.95	New Jersey	12,805,000	57.67
Alaska	2,013,000	21.97	New Mexico	3,521,000	42.23
Arizona	6,960,000	61.04	New York	28,102,000	63.29
Arkansas	4,719,000	54.87	North Carolina	11,421,000	41.36
California	47,394,000	63.15	North Dakota	2,066,000	56.16
Colorado	6,412,000	58.82	Ohio	17,567,000	64.42
Connecticut	5,983,000	36.96	Oklahoma	5,915,000	45.41
Delaware	2,163,000	26.87	Oregon	5,620,000	46.98
District of Columbia	1,982,000	100.00	Pennsylvania	18,986,000	64.83
Florida	21,404,000	61.56	Rhode Island	2,607,000	41.76
Georgia	11,379,000	53.39	South Carolina	6,526,000	42.53
Hawaii	2,862,000	46.45	South Dakota	2,185,000	47.16
Idaho	2,754,000	52.41	Tennessee	8,684,000	48.78
Illinois	18,466,000	64.51	Texas	27,855,000	65.60
Indiana	9,594,000	56.78	Utah	3,882,000	49.76
Iowa	5,297,000	40.79	Vermont	1,979,000	25.11
Kansas	4,877,000	47.49	Virginia	10,748,000	30.04
Kentucky	6,742,000	32.30	Washington	8,915,000	60.25
Louisiana	7,492,000	51.92	West Virginia	3,823,000	47.93
Maine	2,962,000	41.59	Wisconsin	8,594,000	61.98
Maryland	8,486,000	44.47	Wyoming	1,822,000	54.95
Massachusetts	10,038,000	36.64	Puerto Rico	6,432,000	0
Michigan	15,176,000	53.10	Virgin Islands	1,276,000	0
Minnesota	7,821,000	70.29	American Samoa/	1,259,000*	0
Mississippi	5,043,000	52.52	N. Mariana Islands		
Missouri	8,884,000	58.22	Guam	1,322,000	0
Montana	2,369,000	58.56			
Nebraska	3,507,000	60.36			
Nevada	3,184,000	62.01			
New Hampshire	2,793,000	51.46			

*American Samoa (67 percent)—\$843,530; and Northern Mariana Islands (33 percent)—\$415,470.

Note: State population figures are based on Bureau of Census estimates: July 1, 1993, for States; July 1, 1992, for Puerto Rico; and April 1, 1990, for Territories.

Revised June 1995

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