



**Time Sensitive Information for Defender Organizations About
Federal Resources Available NOW to Assist in Coronavirus Response
April 3, 2020 (Updated May 8, 2020)**

As part of the massive “[Coronavirus Aid, Relief, and Economic Security Act](#)” (or “CARES Act”) signed into law March 27, 2020, defender organizations may be able to receive federal resources to help them respond to the coronavirus (COVID-19). Stimulus funds are available “until expended,” so defender organizations should act swiftly to a) determine eligibility and b) convey funding needs to the appropriate state and local entities that administer the resources.

The CARES Act appropriated \$850,000,000 to assist states, local units of government, and tribes in **preventing, preparing for, and responding to the coronavirus**. While Congress and the Department of Justice consider this funding to be primarily for the immediate needs of law enforcement agencies, the funding is eligible to be used for coronavirus-related needs across the justice system, including for delivery of indigent defense services. These funds are available to states and localities through the formula allocation mechanism of the [Edward Byrne Memorial Justice Assistance Grant \(JAG\) program](#). The JAG Program is the leading source of federal justice funding to state and local jurisdictions and is administered by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA).

BJA has issued a [Coronavirus Emergency Supplemental Funding \(CESF\) Program solicitation](#) to receive applications for stimulus grant assistance. Questions and answers summarizing key factors about CESF appear below.

Q: Who can apply for assistance under the Coronavirus Emergency Supplemental Funding (CESF) Program?

“Eligible entities,” which are defined in the solicitation as:

- **States, U.S. Territories, the District of Columbia, units of local government, and federally recognized tribal governments** that received funding under the Fiscal Year (FY) 2019 State and Local Edward Byrne Memorial Justice Assistance Grant (JAG) Program. Any State Administering Agency (SAA) that received an FY 2019 JAG award will receive an award under the state allocation of CESF funding.
 - The term “states” includes the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the U.S. Virgin Islands, Guam, and American Samoa.
 - The term “units of local government” includes a town, township, village, parish, city, county, borough, or other general purpose political subdivision of a state, or a federally recognized Indian tribal government that performs law enforcement functions (as determined by the Secretary of the Interior). A unit of local government also may be any law enforcement district or judicial enforcement district established under applicable state law with authority

to independently establish a budget and impose taxes; for example, in Louisiana, a unit of local government means a district attorney or parish sheriff.

- To locate your jurisdiction's State Administering Agency (SAA), see the [Agency Directory](#) maintained by the National Criminal Justice Association.
- To locate your jurisdiction's local government entity, look to the equivalent of a county board, city manager, or mayor's office. There is no centralized, national directory for these local government entities as there is with SAAs. There is no central list of all eligible local governmental units, but you can look up past local Byrne JAG awards at the Byrne JAG webpage.
<https://bj.a.ojp.gov/funding/awards/list>

The local jurisdictions that will receive an award and the amount of their allocations for the FY 2020 CESF Program can be found at:
<https://bj.a.ojp.gov/program/fy20-cesf-allocations>.

Q: How can defender organizations get funding under CESF?

Defender organizations can apply for a grant from their SAA or unit of local government. That process varies by state and community but generally involves an RFP and application process. If your organization already has a relationship with your state's SAA or received JAG funds in the Fiscal Year (FY) 2019 or prior, you may have an advantage, though you cannot apply to BJA directly since your office is not a unit of state or local government. Reach out to the same state or local entity you worked with earlier and detail your specific coronavirus response needs to be included in its CESF allocation. CESF funds are for special needs associated with coronavirus so reach out now regardless of whether you have received a subgrant before.

Q: If my defender organization did *not* receive JAG funds in FY 2019, it is eligible for CESF now?

Yes. It is the state or local unit of government that needs to have received JAG funding in 2019 and all **states** received funds in FY 2019. You must apply to the state (SAA) or unit of local government directly, and they can award you funds, though competition for the resources will be stiff.

Q: What are examples of resources likely to be funded?

Think of tools and supports you need to assist you in working from home; contacting your clients from afar; and staying safe when you appear in court, go to detention facilities, or undertake necessary field investigation as we contend with the coronavirus. Examples include:

- Laptop computers: to work from home and connect securely to office and client files
- Wifi hotspots: to remain productive in rural and other areas with insufficient access to secure internet service
- Personal protective equipment: for court appearances and jail visits
- VPN licenses: for increased remote users.

- Additional staff: attorneys to prepare writs for the release of clients from jails and prisons to protect their health and that of facility staff, or social workers to ensure clients receive proper supports after release.

Q: Should I prioritize seeking funds through my local or state entities? Should I ask for the same resources from both?

There is no simple answer to this as situations vary across all states. **The best advice is to REACH OUT to both the SAA and unit(s) of local government in your jurisdictions and ask questions.**

Q: What other resources can help me?

- The [National Criminal Justice Agency](#) is a membership organization for criminal justice administrative agencies. Its staff have a wealth of knowledge about the Byrne JAG Program.
- Many resources about Byrne JAG are available online from the Office of Justice Programs. See <https://bja.ojp.gov/program/jag/overview>

This [FAQ document](#)¹ from BJA expressly states that indigent defense services are eligible for Byrne JAG funds. See p. 14, **What can JAG funds be used for?** and p. 25, **Would the costs for Indigent Defense under the Prosecution and Court Programs be considered allowable expenses under JAG funds?**

- NLADA aired a webinar on April 2, 2020 on *Accessing Resources for Public Defenders*. It contains helpful advice from NCJA Senior Policy Advisor Jack Cutrone on navigating the Byrne JAG process. See archive at: <https://nlada.webex.com/nlada/lsr.php?RCID=d89a4e05c0f9e33e23cafd8703c19597>
- NLADA has a publication to help defender organizations navigate the process of securing federal and non-federal grant funds. See [Accessing Federal Grants, Foundation Funds and Other Supplemental Resources: A Toolkit for Public Defenders](#) (March 2020)
- An April 16, 2020 [press release](#) from Michigan’s State Courts is a helpful example of one state’s messaging about accessing CEF.
- General information about accessing Byrne JAG Program funds is available in this NLADA [information sheet](#).

Closing Thoughts:

In reality, defenders have historically received a very small percentage of resources through the Byrne JAG Program compared to what is provided to law enforcement needs.² However, the emergency that

¹ Edward Byrne Memorial Justice Assistance Grant (JAG) Program Frequently Asked Questions (FAQs)* – Updated March 2019, <https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/JAGFAQ.pdf>

² Data on Byrne JAG distribution in 2016 show that Prosecution and Indigent Defense Initiatives collectively made up 6.8% of Byrne JAG spending, compared to 50.7% for law enforcement. Prosecution and court-related initiatives received [over \\$17 million](#), whereas indigent defense initiatives received [over \\$1.8 million](#). By comparison, law

COVID-19 presents, and the unprecedented amount of resources appropriated to respond to it, increase the chances for inclusion of defender needs. (In FY 2019, BJA distributed \$175,151,783 in state formula grants and \$77,665,900 in local grants through the traditional Byrne JAG mechanism.) It is worth the effort to apply now. If you do not succeed in securing CESF grant funds, you will have nevertheless made valuable inroads toward establishing a relationship with your SAA or unit of local government that you can continue building on to seek Byrne JAG resources in FY2020 and beyond. Experience proves that as relationships are built between the defender agencies and these administering agencies, they can learn each other's needs and expectations and find ways that Byrne JAG funds can be put to best use.

Examples of past defender organization grants through Byrne JAG appear here:

https://higherlogicdownload.s3.amazonaws.com/NCJA/8d0b2ead-b5b8-47ef-96d0-9aca227fcbb2/UploadedImages/Byrne_JAG_Investments/2016_Topical_One-Pagers/Public_Defense.pdf

enforcement initiatives (including [equipment and technology](#), [operations](#), [task forces](#), and [training](#)) received over \$62.8 million. You can find additional comparison points through [NCJA's Byrne JAG fact sheets](#).