



State Investments of Coronavirus Emergency Supplemental Funding (CESF)

Survey Results Reflect Broad Justice System Impact

In March 2020, Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act to provide economic relief for individuals and businesses impacted by the coronavirus, to help stabilize state and local government budgets, and to support their emergency relief efforts. As part of the CARES Act, Congress appropriated \$850 million for a new Coronavirus Emergency Supplemental Funding (CESF) program to assist state, local and tribal justice systems in preventing, preparing for and responding to the coronavirus.

Funding for the CESF program flows to states and local governments through the U.S. Department of Justice (DOJ), Bureau of Justice Assistance (BJA) using the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) program formula, which is based on population and crime rate. CESF awards can be used for immediate needs as well as for the longer-term impact of coronavirus on state and local justice systems. The state formula and subrecipient portions of the CESF grants are administered by the [56 State Administering Agencies \(SAAs\)](#).

Like Byrne JAG funding, 60 percent of a state's total CESF allocation is awarded to the SAA, which, in turn, sub-awards to state agencies, localities and non-profit service providers. The remaining 40 percent is awarded by BJA directly to local governments.

SAAs worked in conjunction with their governor's offices and other state and local agencies, including the state's emergency management agency and local government partners, to coordinate state CARES Act investments in personal protective equipment (PPE), technology needs, health and safety practices within jails, prisons and other justice system needs.

Methodology

In an effort to understand CESF investments made to date, the [National Criminal Justice Association \(NCJA\)](#) distributed a short survey to the SAAs asking how states have allocated, and intend to allocate, CESF dollars. The survey examined only the 60 percent of CESF dollars that flow to, and through, the SAA. The survey was distributed via SurveyMonkey to all 56 states and territories between September 23 and October 15, 2020.

The survey captured the number of states that invested CESF in certain sectors of the justice system and where those funds were spent. It did not, however, capture the amount of funding by sector. For example, while the survey found that 67 percent of states provided support to law enforcement to purchase PPE, it did not indicate how much of their obligated funds, have been devoted to that purpose. In addition, certain questions asked respondents to "check all that apply" therefore, some results total more than 100 percent.

The survey produced an overwhelming response rate as 50 of 56 states and territories provided feedback (an 89 percent response rate). This report reflects where these funds were, and likely will be, prioritized as well as

areas where SAAs indicated future technical assistance could be helpful. It is important to note that these survey results are self-reported and do not represent statistically significant findings.

Findings

Funds Obligated

The CARES Act was signed into law on March 27, 2020. By the end of April most states and localities had drawn down their CESF awards. While Congress and the DOJ set a clear expectation that CESF should help help recipients and sub-recipients meet immediate PPE and COVID-19 sanitation needs, grantees have 24 months to spend their awards, allowing jurisdictions time to address emerging issues.

The survey found that, on average, states have committed just over half (56 percent) of their total CESF awards, reserving just under half (44 percent) to address follow-on and future needs. This could indicate that states are balancing spending on immediate first responder needs with longer-term investments they anticipate due to changes and challenges in the justice system created by the pandemic. See Figure 1 below.

Figure 1: Percent of CESF Funds Obligated

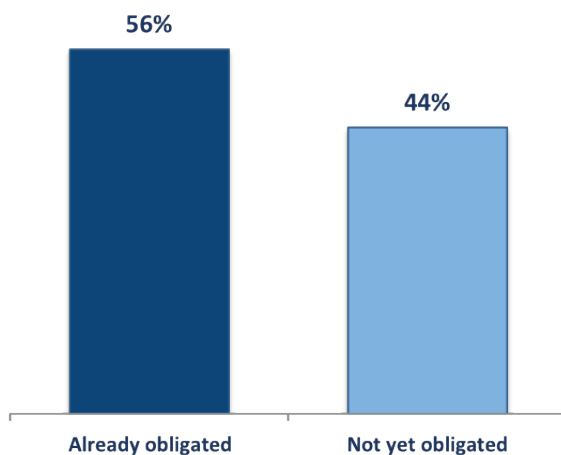
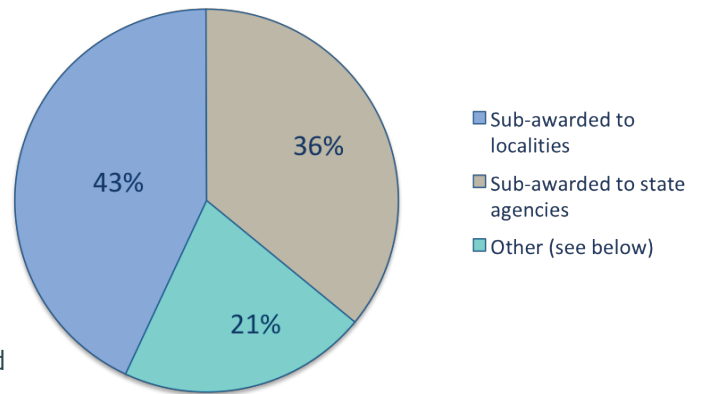


Figure 2: Distribution of Obligated Funds for State and Local Needs



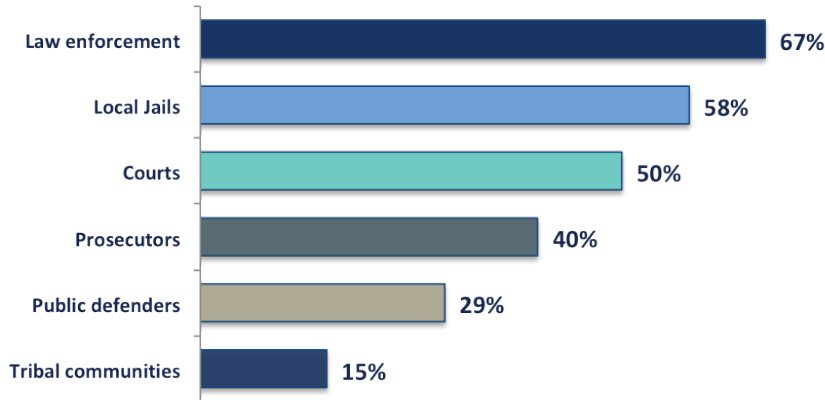
Unlike Byrne JAG, which requires states to sub-award a portion of its annual award to local governments, the CESF program provides states with flexibility to balance state and local justice system needs. The survey found that, on average, SAAs invested just under half (43 percent) for state agency needs and just over a third (36 percent) for local agency needs, with the remainder used for other purposes including technology software and equipment, behavioral health services, diversion, housing and tribal programs. See Figure 2 above.

Investments Across the Justice System

The survey asked states to indicate how funding was spent across segments of the justice system and within each segment, and whether the investments were for PPE and/or for program support.

The survey found that the majority of states invested at least some portion of their CESF award to equip law enforcement, courts, corrections agencies and tribal governments with PPE. The chart at the top of the next page (Figure 3) shows, that two-thirds (67 percent) of states indicated that they have obligated some funding for PPE for law enforcement agencies and half (50 percent) provided some funding for PPE for courts.

Figure 3: Percent of States Funding PPE by Sector



A majority of states invested at least some portion of their CESF award to equip law enforcement, courts, corrections agencies and tribal governments with PPE.

In addition to meeting immediate PPE needs, states also invested in programs and infrastructure across justice system agencies to prevent, prepare for and respond to the coronavirus.

Figure 4 shows, for example, that almost three-quarters (71 percent) of states distributed funds for law enforcement agency programmatic needs, nearly two-thirds (60 percent) for courts, and over half (56 percent) dedicated funds for local jails.

The survey did not ask SAAs for details about the purpose or nature of the programs funded. SAA responses to open-ended

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questions however, suggest that investments included: support for distancing procedures in prisons and jails, facilitating emergency early releases from jail, pretrial diversion practices, and solutions to sustain operations during the pandemic such as investments in courtroom technology, changes to allow court business to continue to operate, video arraignment equipment, and smart phone and tablet applications for pretrial supervision and upon release. States also used CESF money to support community providers, including victim service providers, reentry programs, sexual assault coalitions and juvenile services.

Figure 4: Percent of States Funding Program Needs by Sector

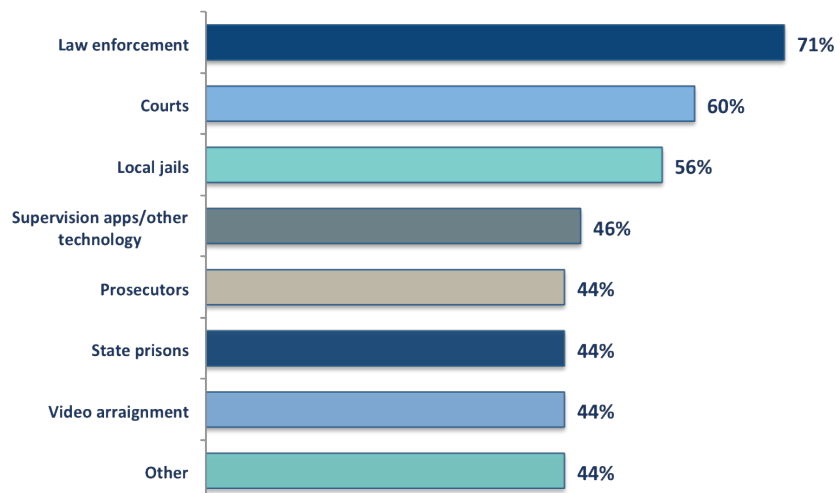
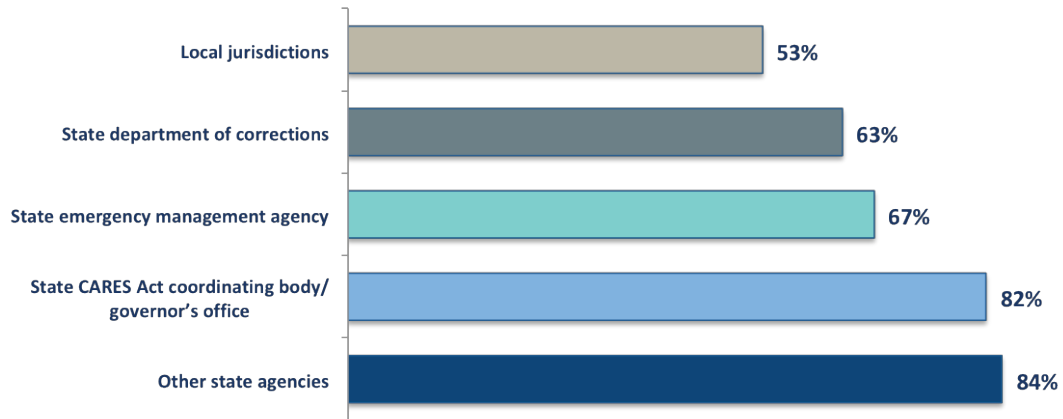


Figure 5: CESF Planning Partner Agencies



The survey results clearly show that SAAs invested across the justice system, collaborating with traditional justice system partners, as well as with non-traditional partners.

As noted above in Figure 5, many respondents indicated that they worked with other state and local government agencies in order to ensure the appropriate distribution of both PPE and programmatic and operational resources across justice agencies.

Respondents reported that they worked with their state's CARES Act Coronavirus Relief Fund coordinating bodies, the courts, state and local law enforcement, and state and local corrections agencies as well as with the sheriffs' and chiefs' associations and with prosecutor and indigent defense agencies.

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They also reported coordinating with their state emergency management agencies for the purchase and distribution of PPE.

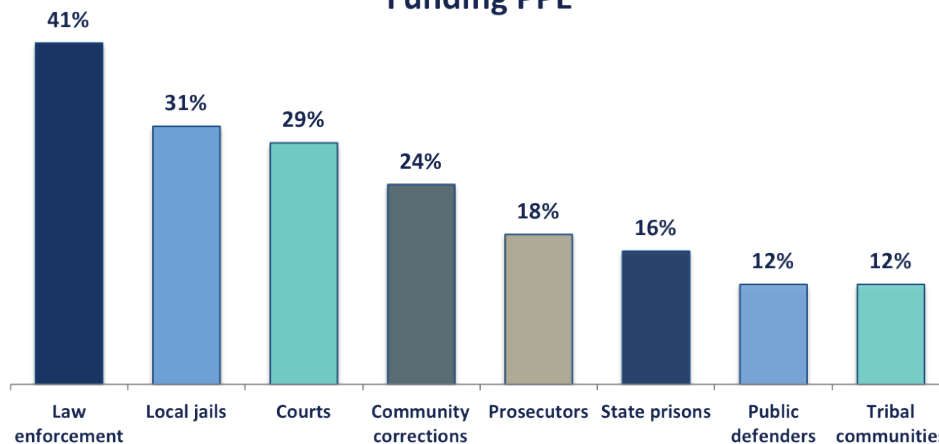
In addition, states partnered with local non-profit service providers that provide support to specific communities impacted by the coronavirus including mental health agencies, childcare programs, tribal entities and justice diversion agencies.

Future Planning

The survey asked SAAs to anticipate where funds would be distributed as the pandemic response progresses. Given the ever-changing landscape of COVID-19 and the necessary state government processes and governing board input, the answers reflect the best information they had at the time of their response.

According to the survey, most states foresee at least a moderate impact on resources and programming stemming from state and local budget cuts due to COVID-19. Respondents anticipate that the CESF monies not already obligated will be distributed similarly to their first round of spending. Notably, just over one-third (37 percent) of

Figure 6: Percent of States Expecting to Continue Funding PPE



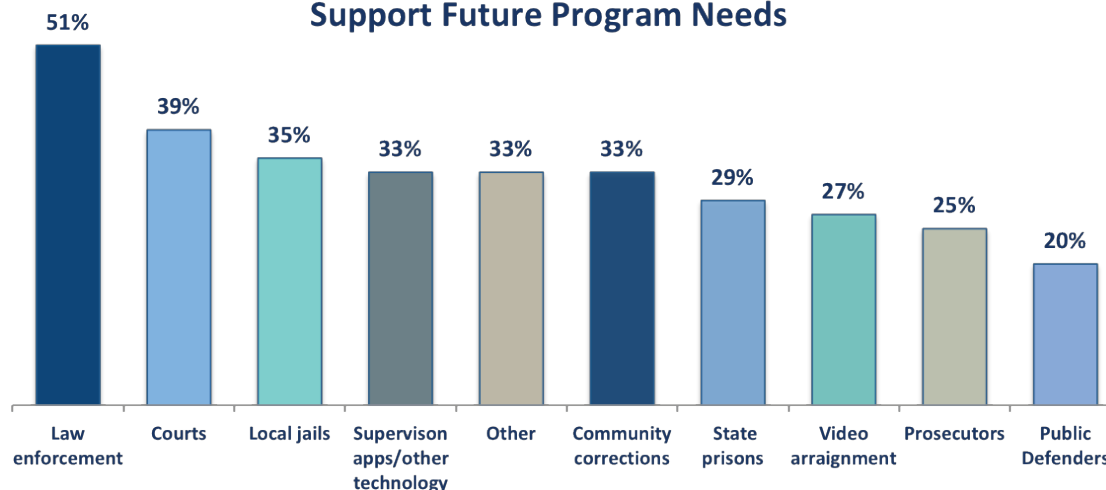
states indicated that decisions on how future CESF dollars would be obligated are still being made.

Figure 6 above shows that some SAAs anticipate spending at least some portion of their as yet-obligated funds on PPE for frontline responders.

Figure 7 below shows that a number of SAAs anticipate providing support for programs and other purposes across the criminal justice system based on lessons learned and identification of unmet needs and challenges faced due to the pandemic. These

Most states anticipate at least a moderate impact on resources and programming stemming from state and local budget cuts due to COVID-19.

Figure 7: Percent of States Expecting to Support Future Program Needs



A clear majority of states see an opportunity to apply lessons learned for improving the functioning and efficiency of the justice system as a permanent feature after the pandemic recedes.

areas include support for community corrections, halfway houses and probation and parole as well as technology, programming, and planning to support service providers and youth in the community.

Lasting Impacts

The survey asked respondents to predict which policies and procedures, put in place during COVID-19, are likely to be sustained in their states as a permanent feature of the justice system after the pandemic recedes. Significantly, a clear majority of states see an opportunity to apply lessons learned for improving the functioning and efficiency

of the justice system. Respondents noted, telehealth and court technology solutions, as well as diversion and early release from jails and prisons, are likely to be sustained. In addition, some respondents noted that their states have seen ways in which jail detention can be minimized safely and effectively that may carry on past the pandemic. See Figure 8 below.

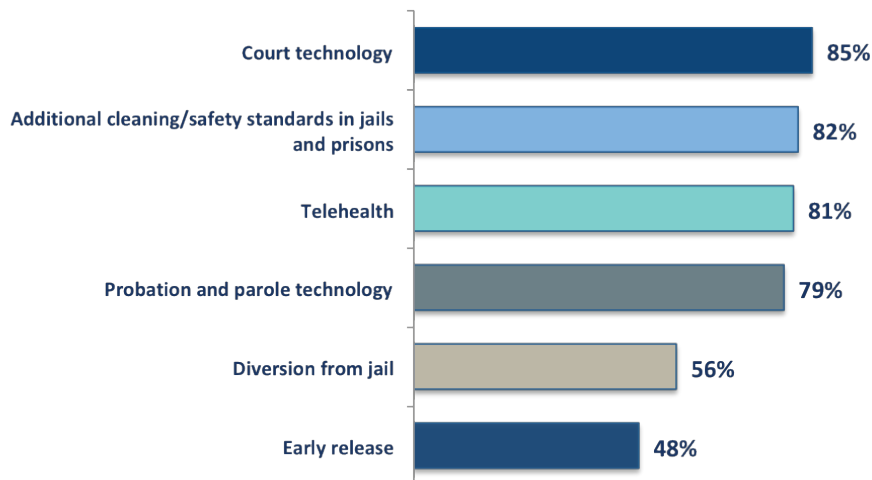
Challenges

Respondents expressed that challenges during the pandemic have led to an understanding that forward-thinking planning and inter-agency partnerships are important to stay prepared for such disruptive events.

While about one-third (38 percent) of respondents indicated that there were no new challenges or needs that arose that they did not anticipate at the onset of the pandemic, the majority of states noted unanticipated challenges across an array of areas.

The most common challenges cited were the immediate need for sanitation products and proce-

Figure 8: Percent of States Expecting Policies and Practices to be Sustained



dures, as well as technology to support the maintenance of operations that were previously done in person.

SAAAs also mentioned unforeseen complications including, but not limited to:

- Confusion about workload involved in managing CESF, CARES Act and other funding sources;
- Avoidance of overlap regarding multiple funding sources; and
- Needs for support, training and technical assistance (TTA) to sub grantees whose planning and processing functions were slowed by the pandemic.

Role for Technical Assistance

NCJA is committed to supporting state and local jurisdictions in preparing for future significant and sudden disruptions to the justice system whether due to a public health crisis or other cause. In order to ensure needs are being met, the survey asked respondents to report what TTA and training topics would be most helpful to them.

SAAAs expressed appreciation for the immediate, targeted assistance provided by NCJA in the weeks after passage of the CARES Act, including program and policy options for addressing needs during the pandemic beyond the provision of PPE. NCJA provided SAAAs with webinars, opportunities for collaboration with fellow SAAAs, and technical assistance on grant writing, allowable uses for CESF spending, coordination with other agencies, and spending on solutions such as technology. NCJA continues to provide support to SAAAs through a webinar series on technology uses in courts and corrections and will be devoting a significant portion of the virtual annual Forum on Criminal Justice to lessons learned and impacts on long-term justice system needs. NCJA will also be reviewing the results of this survey and reaching out to SAAAs with follow-up questions in an effort to provide more specific support based on the state's responses.

In the survey, respondents indicated they would like to continue to see more examples and details about the types of projects and expenditures their peers are implementing with this funding as the initial needs have changed and continued to evolve. They would also like assistance in appropriate uses for this funding to aid in mitigating the restrictions of this pandemic, such as distribution of PPE and utilizing spaces for appropriate social distancing and specific policies, programs and procedural changes that would be helpful for sustainability.

Respondents would also like to receive training on implementing virtual technology in correctional institutions, examples of early release, diversion from jails, and telehealth policies and practices, as well as courtroom, probation and parole technology policies and practices. They would like training on sanitation standards in confinement facilities and more broadly on how to keep personnel safe during a pandemic.

Other areas in which SAAAs felt they would benefit from training included adjusting policies and procedures to deal with emergencies and administering grants in a more efficient manner while still meeting all federal guidelines, training on CESF Special Conditions, and training for various types of first responders in local jurisdictions.

A number of SAAAs anticipate providing support for programs and other purposes across the criminal justice system based on lessons learned and identification of unmet needs and challenges due to the pandemic.

Next Steps

Using the knowledge gleaned from this survey, NCJA plans to conduct a follow-up survey to determine how the states ultimately invested their yet-to-be obligated funds. NCJA will also use the current survey to continue to determine other training and technical assistance opportunities where the association can provide support to SAAs.

NCJA has developed a web page on CESF that includes information, webinars and fact sheets for SAAs. For more information and to view these resources, please visit: <https://www.ncja.org/covid-19-resources>

NCJA's survey found that many policies and practices put into place using CESF including updates in telehealth and court technology as well as diversion and early release efforts in jails and prisons are likely to become permanent well past the end of the pandemic.

Based in Washington, D.C., the National Criminal Justice Association (NCJA) represents state, tribal and local governments on crime prevention and crime control issues. As the representative of criminal and juvenile justice practitioners, the NCJA works to promote a balanced approach to communities' complex public safety and criminal and juvenile justice system problems.

For more information about NCJA, or to become a member, please visit our website at www.ncja.org.

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National Criminal
Justice Association