



The NCJA Podcast Episode 01: Byrne JAG 101 with Elizabeth Pyke

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Bethany Broida:

Welcome to the NCJA Podcast. I am Bethany Broida, director of communications at the National Criminal Justice Association. This is the first in a series of short podcasts focusing on the Byrne Justice Assistance Grant or Byrne JAG Program, its purposes its uses and how it's contributing to improving the justice system across the country. In this episode, we will talk about the basics of Byrne JAG, and there's no one better to discuss Byrne JAG with the NCJA's own resident Byrne JAG expert, Elizabeth Pyke is our director of government affairs.

Hello, Elizabeth. Welcome and thank you for joining us as our first guest.

Elizabeth Pyke:

Hi, Bethany. I'm glad to do it.

Bethany Broida:

So let's get started. Let's start from the beginning. Can you give our listeners kind of a three sentence, big picture view of Byrne JAG?

Elizabeth Pyke:

Of course. Byrne JAG is considered the cornerstone of the federal grant programs that Congress funds to state and local governments for improving their justice systems. It plays a really outsized role because of its flexibility, allowing states and local governments to address their most pressing needs. They do this by testing innovative programs for reducing crime, reducing incarceration and supporting individuals returning to their communities. They do this also by taking successful programs to additional communities or adapting programs for new needs

Bethany Broida:

Who is responsible for administering the Byrne JAG Program?

Elizabeth Pyke:

The State Administering Agency, or SAA for short, is the agency in every state that is designated by the governor to administer Byrne JAG. The term SAA can also be used to refer to the person within that agency in charge of overseeing the program. The SAA plays three primary roles. First, under the statute, every state must engage in a comprehensive statewide strategic planning process to guide their funding decisions. That must include a diverse set of justice system stakeholders, as well as local governments and community-based service providers.



The SAA is responsible for guiding that process. Second, we will talk a little later about how funding is divided between supporting state and local justice systems, the SAA designs, and oversees the process for sub awarding Byrne JAG for local community needs. And third, the SAA does the important work of evaluating program effectiveness and making sure there is full accountability in all federal funds.

Bethany Broida:

Thank you, Elizabeth. Can you talk a little bit more about Byrne Jag's flexibility?

Elizabeth Pyke:

Sure. A key feature, really the key feature of Byrne JAG is its flexibility. Meaning that states have flexibility in how they can invest it and flexibility to invest across the entire justice system. There are eight broad purpose areas under which Byrne JAG funds may be invested, including law enforcement, prosecution and court programs, prevention and education, corrections and community corrections, drug treatment and enforcement, planning, evaluation, and technology improvement, crime victim and witness services, and then one that was added recently, behavioral health programs, including crisis intervention teams.

And in fact, our data showed that nearly every SAA invests in at least three of the eight purpose areas and over half invest in five or more so really widely across the justice system, which is in contrast to the other DOJ grant programs, the discretionary programs the applicants compete for, and that are designed by Congress to be used for specific targeted purposes. With this flexibility, communities can design and fund complete programs where they see an area of need, a re-entry program or a diversion strategy, for example, or they can fill gaps and leverage other federal, state or philanthropic resources to create a complete program or to expand a successful program to another community.

Bethany Broida:

Okay. With that understanding, can you talk about how states are using the grant funding?

Elizabeth Pyke:

Byrne JAG funds many hundreds of programs around the country. So it's hard to easily summarize how the money is invested, but a few common examples are for drug courts and to test the specialty court model for other needs like veterans or mental health courts, for initiatives to deflect or divert people from prison. These programs are often led by law enforcement and prosecutor offices. Many of these programs like drug courts were models first tested with Byrne JAG before being taken out more widely around the country. Many states are working hard on collaborations between the justice and behavioral health systems to provide access to treatment and help someone transition to treatment in the community as soon as they are released from prison or jail.

And almost every state in the union uses Byrne JAG to fund reentry programs to help stop the cycle of crime and incarceration. So in this way, because Byrne JAG is a formula program that reaches every state and because it is flexible, the investments have an important and broad impact that meets each state's own needs.

Bethany Broida:

Following up on that, can you help our listeners understand how the formula works?

Elizabeth Pyke:

Yeah. The formula can get detailed, but on the surface it's really quite straightforward. So Byrne JAG funds are appropriated by Congress and distributed by formula by the Department of Justice's Bureau of Justice Assistance, or BJA, and that formula, as I said, is allocated to all 50 states, the five territories and the District of Columbia based on population in crime rate. Of the total allocation then to each state, 60% is allocated to the SAA who in turn sub grants a required percentage to local governments and nonprofit service providers.

That secondary formula is called the variable pass-through and it's different for every state, but most sub award the majority of their grant to localities with the remaining to support state level justice system needs. So stay with me here. The remaining 40% is awarded based on crime rate directly from BJA to local governments. Roughly about a thousand local governments are eligible for those direct from BJA awards every year and most, but certainly not all of these awards are quite small, like \$10,000 or a little bit more. A couple of further details were an adjoining city and a county are eligible for direct awards.

They must work together so the investment is coordinated. And like the state formula portion, the local awards can be invested across the justice system. Also on our website, we have posted a document called the Byrne JAG Formula Explained, which is to try and explain in plain English how the funding flows.

Bethany Broida:

Thank you for that, Elizabeth. It's definitely complicated and we appreciate you explaining it. Can you talk a little bit about the size of the Byrne JAG Program and how important it is to states and localities?

Elizabeth Pyke:

In recent years, Congress has funded Byrne JAG at about \$350 million annually. This is down substantially from a period before 2010, when it was routinely funded at about 500 million annually., And that is down substantially from earlier years when it was about double what it is now. So it's a great deal of money, but when divided among the states, it actually is a pretty small amount for many, which is why we say it plays an outsized role in advancing justice policy. It is tremendously important to states and localities because of what it has done to spur innovation and promising practices and to change minds

Bethany Broida:

Despite its outside influence, it's only contributed a small amount to what states and localities spend themselves, correct?



Elizabeth Pyke:

Correct. Byrne JAG contributes just a tiny amount to state and local governments' own spending on policing and other justice services. Actually, it's just one quarter of 1%. And I realized that this might be a topic for another podcast, Bethany, but it's also why it is ineffective for Congress to use Byrne to incentivize policies, particularly when the cost of a new federal mandate is more than the size of the award, or is a task or requirement that is very complex to undertake.

Bethany Broida:

You're right. That is definitely a good topic for a future podcast. In the meantime, we look forward to posting new podcasts about some of the many ways that Byrne JAG is improving the justice system across the country. Want to thank you all for listening and to learn more about the Byrne JAG Program at any time we invite you to visit the NCJA website at ncja.org and visit the investing Byrne JAG section. Thank you all for joining us and we will see you next time.

Episodes of The NCJA Podcast can be found at www.ncja.org/the-ncja-podcast.