



Fact Sheet: Byrne-JAG Program

What is the Byrne-JAG Program?

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program (“Byrne-JAG”) is a formula grant program that provides federal criminal justice funding to law enforcement agencies across the United States. Byrne-JAG provides states, territories, tribes, local governments, and governmental agencies with nearly \$250 million of annual federal funding to address their law enforcement needs. The Bureau of Justice Assistance (BJA) within DOJ’s Office of Justice Programs administers the program.

Prior to 2005, two separate federal grant programs provided funds to assist law enforcement and improve public safety: the Edward Byrne Memorial Formula Grant Program (Byrne) and the formula-based Local Law Enforcement Block Grant Program (LLEBG). In order to streamline justice funding and grant administration, Congress [merged](#) these programs as part of the Consolidated Appropriations Act of 2005, creating the Byrne-JAG Program.

Who is eligible?

- All 50 states;
- U.S. territories including District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands; and
- Local and tribal governments that are identified annually in the program’s [allocation charts](#).

How are funds allocated?

Congress appropriates a fixed amount of funding for the program and mandates a [formula](#) for how it should be allocated. Combining elements of both of the formulas used by Byrne-JAG’s predecessors, the Bureau of Justice Statistics (BJS) awards each state and territory 50% of its funding based on its share of the U.S. population and the other 50% based on its share of the average number of reported violent crimes in the U.S. Once overall state and territorial funding is calculated, 60% of the allocated funds are awarded to the [State Administering Agency](#) (SAA) – there is one in each state and territory responsible for administering the Byrne-JAG Program – which, in turn, sub-grants the required percentage to local governments and non-profit service providers. The remaining 40% is awarded directly from the BJA to eligible units of local government, with each award based on the jurisdiction’s proportion of average number of violent crimes committed in its respective state.

In Fiscal Year (FY) 2005, the Byrne-JAG Program was appropriated [\\$625.5 million](#) of funding by Congress. Since then, the amount of funding has fluctuated and, ultimately, decreased. In FY2020, the Byrne-JAG Program awarded [\\$162.8 million](#) to 56 states and territories and [\\$72.2 million](#) to 908 eligible units of local government.

What can Byrne-JAG funds be used for?

Byrne-JAG funds may be used to [support](#) a broad range of programs relating to the following purpose areas:

- Law enforcement;
- Prosecution and the courts;
- Crime prevention and education;
- Corrections, community corrections and reentry;
- Drug treatment and enforcement;
- Planning, evaluation, and technology improvement;
- Crime victims and witnesses; and
- Mental health services.

Within these purpose areas, funding may be used for technical assistance, strategic planning, research and evaluation, data collection, training, personnel, equipment, forensic laboratories, supplies, contractual support, and criminal justice information systems. A hallmark of the Byrne-JAG Program is its flexibility.

What limitations are there on the use of Byrne-JAG funds?

While Byrne-JAG funding is flexible, it may not be used outside of the purpose areas specified above, in accordance with the program statute: [34 U.S.C. § 10152](#). And even within the specified purpose areas, funds may not be used to provide security equipment for non-law enforcement personnel, or to buy surplus military equipment from the Department of Defense for local law enforcement.

Furthermore, unless the BJA certifies otherwise, funds [may not be used](#) on any of the following:

- Vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters);
- Luxury items;
- Real estate; and
- Construction projects (other than penal or correctional institutions).

What additional conditions have been placed on Byrne-JAG funding?

In July 2017, as part of the Trump administration's efforts to crack down on so-called [sanctuary jurisdictions](#), the U.S. Department of Justice (DOJ) [announced](#) that it would be instituting new immigration compliance requirements for recipients of Byrne-JAG grants.

The 2017 DOJ guidance imposed three new immigration-related [conditions](#) on the funds: that grant applicants will 1) comply with [federal law governing information-sharing \(8 U.S.C. 1373\)](#) with federal immigration authorities, 2) provide federal authorities with 48 hours advance notice of release dates of incarcerated undocumented persons, and 3) afford federal immigration officers access to detention facilities.

Several states and localities have challenged these new conditions in federal court arguing that the executive branch exceeded its authority by adding new conditions to Byrne-JAG without congressional assent, while raising several [logistical concerns](#) making it difficult for jurisdictions to satisfy the conditions. To date, there is a split among the federal courts as to whether the new conditions are unlawful, with most federal courts – including the U.S. Courts of Appeals for the [Third, Seventh](#), and [Ninth Circuits](#) – ruling that the new conditions are improper. The U.S. Court of Appeals for the [Second Circuit](#) has held that the Trump administration had the authority to impose the new conditions.

The Biden administration has not withdrawn the 2017 DOJ guidance on Byrne-JAG, as of the date of this posting, including the conditions in question. As litigation continues over the issue, the administration may opt to modify the guidance or change the federal government’s posture in the litigation.

UPDATE: On April 28, Attorney General Merrick Garland [repealed](#) the Trump-era conditions to Byrne-JAG.

Where does the name “Byrne-JAG” come from?

New York City Police Officer [Edward Byrne](#) was assassinated in 1988 while on protection duty outside the home of an [immigrant witness](#) who was cooperating with authorities in a drug trafficking investigation. When the U.S. Department of Justice (DOJ) established a grant program which provided funding for criminal justice efforts, it was named the Edward Byrne Memorial Grant Program in his honor. That program was later merged into Byrne-JAG.