



JUSTICE ASSISTANCE GRANT (JAG) BYRNE PROGRAM

The JAG Byrne federal grant program was created in 2005 when Congress merged the Edward Byrne Memorial Grant (Byrne) program with the Local Law Enforcement Block Grant (LLEBG) program. The JAG Byrne program provides funding for law enforcement, prosecution and courts, prevention and education, corrections and community corrections, drug treatment, planning, evaluation, and technology improvement, and crime victim and witness programs. Montana Board of Crime Control is the state administering agency for Montana and administers the JAG funding stream through an RFP process in which the Board of Directors makes awards on an annual basis.

The Bureau of Justice Assistance administers the program at the federal level and Bureau of Justice Statistics calculates the formulas. The formula is congressionally established and allocates half of the available funds based on a state's or territory's share of violent crime and half of the funds based on its share of the nation's population. Crime data is provided to the FBI by each state. The Board of Crime Control collects crime data from local law enforcement agencies from across the state and submits to the FBI. The federal JAG legislation requires that each state or territory be awarded a minimum allocation equal to 0.25% of the total JAG allocation regardless of its population or crime average. If a state's or territory's initial allocation based on crime and population is less than the minimum amount, that state or territory receives the minimum award amount as its total JAG allocation. If a state's or territory's initial allocation exceeds the minimum amount, it receives the minimum award plus the amount based on its share of the violent crime and population. Each state's final amount is then divided at a rate of 60% for state government (comes to the Board of Crime Control) to distribute and 40% for direct awards to local governments. Local jurisdictions are allocated funds based on their proportion of the states 3-year violent crime average. If a local jurisdiction's calculated award is less than \$10,000, the funds are returned to the state to distribute. If the calculated award is \$10,000 or more, then the local government is eligible to apply for an award.

The Congressional appropriations for JAG have been declining since 2010; efforts to reduce the federal deficit will continue to impact future funding. Additionally, penalties for a state's noncompliance with federal laws such as (SORNA – currently assessed annually at 10%), (NICS – scheduled to be assessed this year at 3%), and (PREA – scheduled to be assessed fall 2014 at 5%) will reduce funding even more.

In Montana, MBCC has funded multi-jurisdictional drug task forces through the JAG Byrne Grant. Task forces are required to have a minimum of five counties or tribes with a local match requirement of 25%. MBCC collects uniform crime data from the task forces and the units have become well trained in drug interdiction, have multi-jurisdictional capacity to gather intelligence, develop cases,

use confidential informants, oversee clandestine operations, and make arrests on drug trafficking cases. Their services have expanded to include drug endangered children, drug education, and gang interdiction.

At the federal level, the JAG Byrne grant has undergone major reductions in funding over the past several years and at present, MBCC will be unable to continue to fund the regional task forces at adequate minimal levels. In FY2006, MBCC funded seven task forces at \$1,448,171 providing an adequate level for task forces to perform all of the above referenced services. Since that date, task forces have been faced with annual reductions in JAG Byrne funding, which has resulted in cuts to services. In FY2013, MBCC funded the task forces at \$811,635 and in FY2014, we currently fund six task forces at \$ 777,732. Task forces have been forced to scramble to make up reductions from local sources but some are struggling to sustain themselves.

Increased criminal activity brought on by oil and gas development in northeastern Montana creates a critical need for the seventh task force to provide services in that region. Currently, they are undergoing reorganization among participating agencies and hope to be operational in FY2015.

The operation of the drug task forces in Montana is at a critical “make or break” point. MBCC has funded task forces from JAG funds for over three decades. The task forces encourage collaboration between jurisdictions and provide necessary law enforcement services. It is the Board’s position that the multi-jurisdictional aspect of law enforcement is needed and should continue. Additional federal penalties such as NICS, SORNA and PREA further reduce funds available to assist the task forces.

One of the reasons the NICS penalty is of concern to the Board is due to the current assessment of the SORNA penalty and the potential PREA penalty, as well as NICS. In combination, if all three are assessed this year, the JAG Byrne funds could be penalized a total of 18%.

National Instant Criminal Background Check System (NICS) State Noncompliance Penalties: The Act provides for discretionary and mandatory Byrne grant penalties for non-compliance with record completeness requirements: during the 2-year period beginning 3 years after the date of enactment of the Act (January 2008), up to 3 percent may be withheld in the case of less than 50 percent completeness; during the 5-year period beginning 5 years after the date of enactment of the Act, up to 4 percent may be withheld in the case of less than 70 percent completeness; thereafter, 5 percent must be withheld in the case of less than 90 percent completeness (although the mandatory reduction can be waived if there is substantial evidence of the state making a reasonable effort to comply).

If Montana is found noncompliant, the JAG Byrne program will be penalized starting at 3% during 2014; if the state is noncompliant years 2014-2019, up to a 4% penalty may be assessed and during 2019 and after, up to a 5% penalty may be assessed. The dollar amounts estimated for NICS penalties are: @ 3% - **\$28,518**; @ 4% -**\$38,024**; and @ 5% - **\$47,530**.

The Sex Offender Registration and Notification Act (SORNA): Title I of the Adam Walsh Child Protection and Safety Act of 2006 (AWA) both required that states substantially implement SORNA by July 27, 2009. Two full-year deadline extensions were provided, and a final statutory deadline of July 27, 2011, was established. SORNA mandated a 10% reduction in JAG funding for any state failing to implement SORNA by the deadline. The penalty is calculated by subtracting 10% from the state government's allocation (60% of the total award), after deducting the mandatory variable pass-through that states are required to send to local governments.

The penalty applies to the portion of JAG funding returned to the state to be shared with local governments who were ineligible for a direct JAG award ("less than \$10,000 jurisdictions"). Montana is considered noncompliant with SORNA due to: 1) our state classification system for offenders not matching the federal system; and 2) the length of time juveniles remain classified. As a result, Montana's JAG Byrne award has been penalized **\$64,365** for 2011, and **\$61,363** for 2012, for a total of **\$125,728**. The penalties will continue with each year's award as long as a state is seen as noncompliant.

Prison Rape Elimination Act, 42 USC 15601, et seq., (PREA). On June 20, 2012, DOJ published the Final Rule creating standards as required by the Prison Rape Elimination Act. The PREA standards apply to adult prisons and jails, juvenile correctional facilities, police lockups, and community residential centers. The standards, which took effect on August 20, 2012, seek to prevent sexual abuse in prisons and jails and to reduce the harm that it causes. The standards are grouped into 11 categories: prevention planning; responsive planning; training and education; screening for risk of sexual victimization and abusiveness; reporting; official response following an inmate report; investigations; discipline; medical and mental care; data collection and review; and audits.

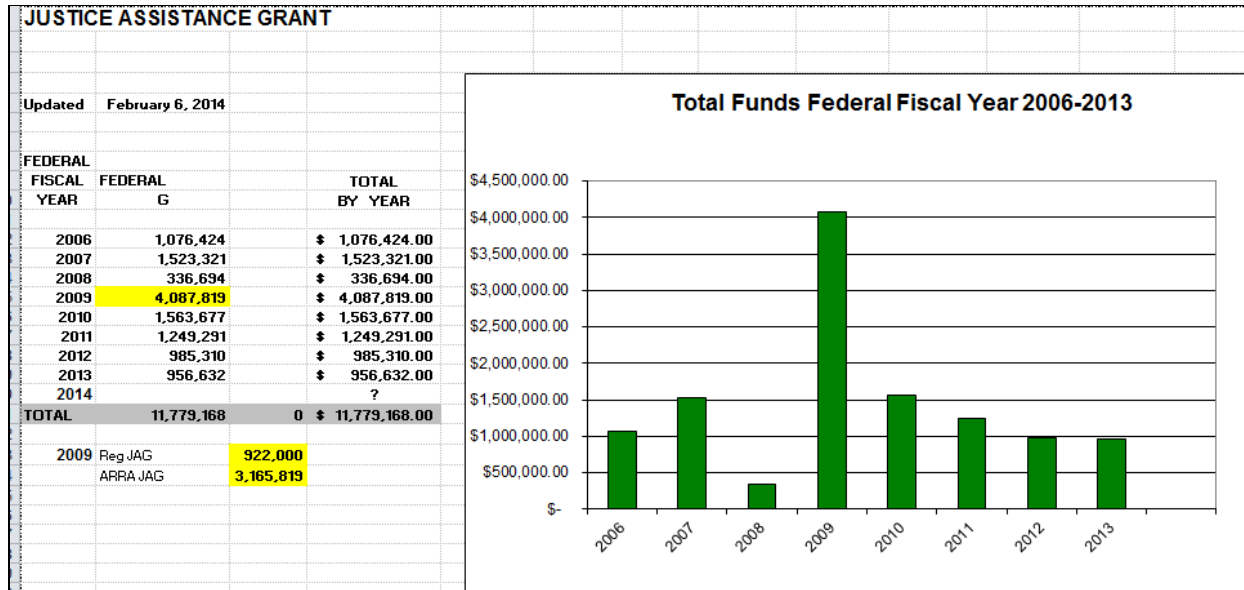
The PREA statute provides that a state whose governor does not certify full compliance with the standards is subject to the loss of 5 percent of any DOJ grant funds that it would otherwise receive for prison purposes, unless the governor submits an assurance that such 5 percent will be used only for the purpose of enabling the state to achieve and certify full compliance with the standards in future years. 42 U.S.C. 15607(c).

BJA has yet to officially decide how and exactly when the penalty will be assessed, however, what they have told us is that Byrne JAG, Title II, STOP and SASP – will be penalized. They are taking the broadest possible interpretation of the "for prison purposes" language. Scooping in any program except RSAT, that can be used in correctional settings and then penalizing the entire award even if it's not actually used for prisons.

For Byrne JAG, if Montana is not penalized on the entire award but, instead, BJA uses the SORNA penalty structure of the state formula only and after the variable pass through is taken, the estimated penalty to Montana's JAG grant will be around \$30,700.

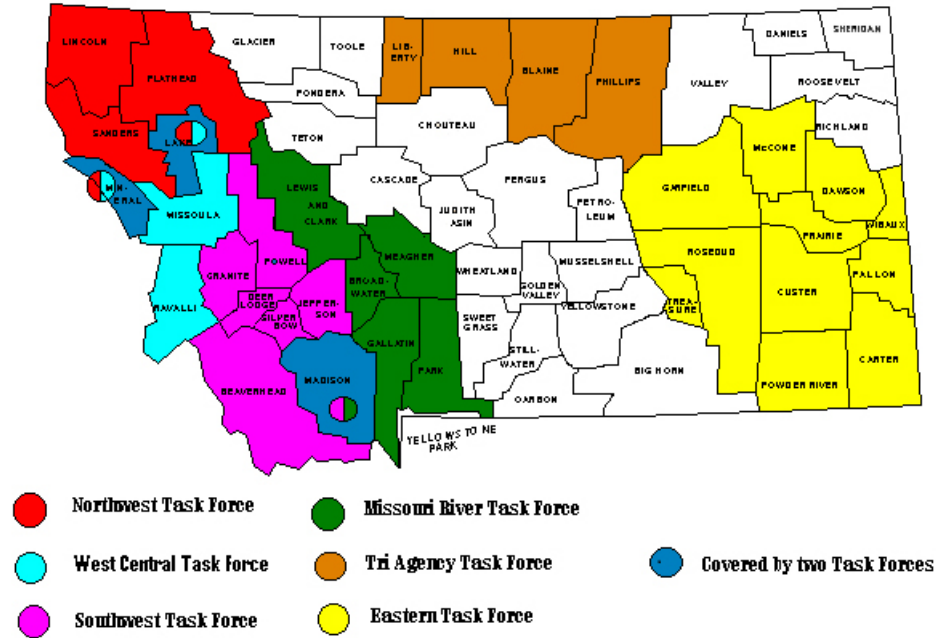
If all three penalties (SORNA, NICS, PREA) are assessed, it is an estimated annual loss to our JAG grant of \$120,581.

History of JAG Awards



**Multi-Jurisdictional Drug Task Forces
Funded by the Montana Board of Crime Control**

Edward Byrne/Justice Assistance Grant Program



Northwest DTF	West Central DTF	Southwest DTF	Missouri River DTF	Tri Agency DTF	Eastern MT DTF
Flathead Sheriff – Administrator	Missoula Sheriff – Administrator	MT DOJ – Administrator	Gallatin Sheriff – Administrator	Havre Police – Administrator	MT DOJ – Administrator
Flathead County	Confederated Salish & Kootenai Tribe LEA	Beaverhead County	Broadwater County	Blaine County	Carter County
Lake County	Lake County	Deer Lodge County	Gallatin County	Fort Belknap Tribe LEA	Custer County
Lincoln County	Missoula County	Granite County	Lewis & Clark County	Hill County	Dawson County
Mineral County	Mineral County	Jefferson County	Madison County	Liberty County	Fallon County
Sanders County	Ravalli County	Powell County	Meagher County	Phillips County	Garfield County
		Silver Bow County	Park County	Rocky Boy Tribe LEA	Powder River County
					Prairie County
					Rosebud County
					Treasure County
					Wibaux County
					McCone County



STATE OF MONTANA - BOARD OF CRIME CONTROL

PO Box 201408 - 5 South Last Chance Gulch - Helena MT 59620-1408

Phone: (406) 444-3604 Fax: (406) 444-4722

SUBGRANT SUMMARY LIST

Subgrant ID:	Year: 12	Program Code: G	Category:	Fund Type:
Report Date:			Status: Active	

Subgrant	Title / Program	Agency Name / Address	Start Date/ End Date	Fed Budget	State Budget	Local Budget
12-G01-91561	Southwest Montana Drug Task Force 01 - Law Enforcement Programs	Dept of Justice - Law Enforcement Services 2225 11TH AVENUE Helena, MT 59620	07/01/2013 06/30/2014	\$85,927.76	\$0.00	\$147,523.95
12-G01-91562	Northwest Drug Task Force 01 - Law Enforcement Programs	Flathead CO Sheriff's Office 920 South Main St Suite 100 Kalispell, MT 59901	07/01/2013 06/30/2014	\$197,715.10	\$0.00	\$400,589.90
12-G01-91563	Tri Agency Task Force 01 - Law Enforcement Programs	Havre City Police Dept 520 4th St Havre, MT 59501	07/01/2013 06/30/2014	\$97,646.91	\$0.00	\$137,784.00
12-G01-91564	Missouri River Drug Task Force 01 - Law Enforcement Programs	Gallatin CO Sheriff's Office 615 S 16th Ave Bozeman, MT 59715	07/01/2013 06/30/2014	\$232,518.33	\$0.00	\$241,106.00
12-G01-91565	Eastern Montana Drug Task Force 01 - Law Enforcement Programs	Dept of Justice - Law Enforcement Services 2225 11TH AVENUE Helena, MT 59620	07/01/2013 06/30/2014	\$70,455.05	\$0.00	\$158,854.95
12-G01-91566	WCMDTF 01 - Law Enforcement Programs	Missoula CO Sheriff's Office 200 W Broadway Missoula, MT 59802	07/01/2013 06/30/2014	\$93,469.00	\$0.00	\$102,226.37
12-G01-91597	Law Enforcement Equipment Enhancement Project 01 - Law Enforcement Programs	Stevensville Police Dept 206 Buck St Stevensville, MT 59870	01/01/2014 09/30/2014	\$6,650.00	\$0.00	\$1,030.00
12-G01-91601	Law Enforcement Weapons 01 - Law Enforcement Programs	Valley CO Sheriff's Office 501 Court Square #10 Glasgow, MT 59230	01/01/2014 09/30/2014	\$9,000.00	\$0.00	\$1,000.00
12-G01-91602	Glasgow Highway 2 Safety Program 01 - Law Enforcement Programs	City of Glasgow 238 2nd Ave South Glasgow, MT 59230	01/01/2014 09/30/2014	\$8,919.00	\$0.00	\$5,848.20



STATE OF MONTANA - BOARD OF CRIME CONTROL

PO Box 201408 - 5 South Last Chance Gulch - Helena MT 59620-1408

Phone: (406) 444-3604 Fax: (406) 444-4722

SUBGRANT SUMMARY LIST

Subgrant ID:	Year:	Program Code:	Category:	Fund Type:			
Report Date:	12	G	Status: Active				
Subgrant	Title / Program	Agency Name / Address	Start Date/ End Date	Fed Budget	State Budget	Local Budget	
12-G01-91607	Tazers 01 - Law Enforcement Programs	Pondera CO Sheriff's Office 20 4th Ave SW Conrad, MT 59425	01/01/2014 09/30/2014	\$5,396.00	\$0.00	\$600.00	
12-G01-91612	Criminal Investigations Forensics Equipment 01 - Law Enforcement Programs	Helena Police Dept 221 Breckenridge Helena, MT 59601	01/01/2014 09/30/2014	\$6,000.00	\$0.00	\$0.00	
12-G06-91609	Instrumentation for MT DUI Cases 06 - Planning, Evaluation and Technology Improvement Programs	Dept of Justice-Forensic Science Division 2679 Palmer St Missoula, MT 59808	01/01/2014 09/30/2014	\$73,081.85	\$0.00	\$50,000.00	
12-G50-91304	JAG Admin - FY15 50 - Administration	MT Board of Crime Control 5 S Last Chance Gulch Helena, MT 59620	10/01/2011 09/30/2015	\$98,531.00	\$0.00	\$0.00	
No. of Subgrants: 13				Totals:	\$985,310.00	\$0.00	\$1,246,563.37