

# FACT SHEET

## THE EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE (EFLEA) PROGRAM

### Program Scope and Purpose

On October 12, 1984, the Emergency Federal Law Enforcement Assistance (EFLEA) Program was enacted into law as part of the Justice Assistance Act of 1984 (Public Law 98-473).<sup>1</sup> It is administered by the U.S. Department of Justice, Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA).

The EFLEA Program assists states and/or local units of government in responding to extraordinary law enforcement emergencies by authorizing the Attorney General to grant funding to help alleviate costs, such as overtime, incurred by law enforcement in response to a law enforcement emergency situation.

Congress' intent for the EFLEA Program was to create an assistance program that addresses extraordinary circumstances with the potential to generate serious threats to public safety. By restricting applicability only to emergency situations in which state and local resources have been completely exhausted or are inadequate to deal with them, Congress limited which law enforcement emergencies are eligible. The legislative history of the Justice Assistance Act of 1984 indicates that Congress expected few emergencies to be dire enough to require federal involvement through EFLEA. The program was never intended to be a routine source of federal financial assistance for criminal justice activities.

Section 50102(3) of Title 34 of the U.S. Code clearly delineates the purpose of the EFLEA Program and limits its applicability by defining a "law enforcement emergency" as:

... an uncommon situation which requires law enforcement, which is or threatens to become of

<sup>1</sup> Codified, as amended, at 34 U.S.C. §§ 50101-50112. Also see implementing regulations at 28 C.F.R. Part 65.

serious epidemic proportions, and with respect to which state and local resources are inadequate to protect the lives and property of citizens or to enforce the criminal law, except that such term **does not** [emphasis added] include the perceived need for planning or other activities related to crowd control for general public safety projects, or a situation requiring the enforcement of laws associated with scheduled public events, including political conventions and sports events.

### Eligibility for Program Assistance

If a law enforcement emergency arises, a state may apply for assistance on behalf of itself or units of local government. The submission must be in writing by the [State Administering Agency \(SAA\)](#) Edward Byrne Memorial Justice Assistance Grant (JAG) contact, acting on behalf of the chief executive officer for the state. The SAA JAG contact must write to the BJA Director, who, along with OJP's Assistant Attorney General, will expeditiously approve or disapprove the request upon its receipt.

### Application Process and Requirements

Following is the two-step process to request EFLEA.

**Step 1** - The SAA JAG contact should submit to the BJA Director a signed letter request for EFLEA that includes the following elements:

- **Problem.** A description of the nature and extent of the law enforcement emergency, including the specific identification and description of the political and jurisdictional subdivision(s) where the emergency exists.



- **Cause.** A description of the situation or extraordinary circumstances that produced the law enforcement emergency.
- **Resources.** A description of the state and local criminal justice resources available to address the emergency and an explanation of why and to what degree they are insufficient.
- **Complete line-item budget.** A budget accompanied by a detailed narrative explaining all costs for which EFLEA funding is requested and showing how such costs were derived.

**Step 2** - After the BJA Director reviews the letter, and it is formally approved by OJP's Assistant Attorney General, BJA will invite the SAA JAG contact to submit a formal application for funding through Grants.gov. BJA will provide written guidance on how to apply.

## Key Determining Factors

BJA evaluates EFLEA Program applications based on the likelihood that a situation could escalate into a law enforcement emergency of epidemic proportion and subsequently pose an imminent threat to public safety. The emergency must be of sufficient magnitude to overwhelm a state or local government's ability to respond.

## Program Limitations

Since the EFLEA Program is not a grant funding program for normal and customary criminal justice expenditures, the following activities are not eligible for funding:

- **Land acquisition.** No funds are to be used to purchase or acquire land.
- **Supplanting.** No funds are to be used to supplant state or local funds that would otherwise be made available for such purposes.
- **Civil justice.** No funds or other assistance are to be used for civil justice matters, except to the extent that such matters relate directly and substantially to, or are inextricably intertwined with, the law enforcement emergency.

## Examples of Recent EFLEA Funding

- The Minnesota Department of Public Safety received \$1 million in FY20 to help offset unexpected law enforcement overtime costs incurred in response to the intense civil unrest following the death of Mr. George Floyd while in police custody in Minneapolis.
- The Ohio Office of Criminal Justice Services received \$89,254 in FY19 to help offset costs for the law enforcement response to the mass shooting that occurred in Dayton's Oregon Entertainment District that killed 9 people and injured another 27.
- The Texas Office of the Governor's Criminal Justice Division received \$1.5 million in FY19 to help offset costs for the law enforcement response to the mass shooting at a Walmart in El Paso that killed 22 people and injured 26.
- The Virginia Department of Criminal Justice Services received \$500,000 in FY19 to reimburse costs associated with the law enforcement response to a gunman who shot and killed 12 people and injured 4 others after opening fire in a Virginia Beach public works building.

## Additional Information

Detailed information about the EFLEA Program may be found at [34 U.S.C. §§ 50101-50112](#) and at [28 C.F.R. Part 65](#). Questions regarding EFLEA can be directed to BJA at 202-616-6500 or [Ask BJA](#).

**Please note that it is not the practice of, nor is it legally mandated that, the Bureau of Justice Assistance initiate contact with jurisdictions to offer EFLEA.**

## Other Emergency Assistance

The OJP Office for Victims of Crime (OVC) administers the [Antiterrorism and Emergency Assistance Program \(AEAP\)](#), which may support victims of criminal mass violence or domestic terrorism (CMV/DT). AEAP provides supplemental victim support when a jurisdiction has been overwhelmed by a CMV/DT incident and cannot adequately provide services to these victims while also supporting victims of other crimes.

The BJA Public Safety Officers' Benefits (PSOB) Program provides death, disability, and education benefits to the survivors of law enforcement officers, firefighters, and other first responders whose death, or catastrophic injury, was the direct and proximate result of an injury sustained in the line of duty. Visit the PSOB Program website at [www.psob.gov](http://www.psob.gov) for details, or view the [PSOB Fact Sheet](#).

## ABOUT BJA

BJA helps America's state, local, and tribal jurisdictions reduce and prevent crime, lower recidivism, and promote a fair and safe criminal justice system. BJA provides a wide range of resources—including grants, funding, and training and technical assistance—to law enforcement, courts and corrections agencies, treatment providers, reentry practitioners, justice information sharing professionals, and community-based partners to address chronic and emerging criminal justice challenges nationwide. To learn more about BJA, visit [bja.ojp.gov](http://bja.ojp.gov) or follow us on Facebook ([www.facebook.com/DOJBJA](https://www.facebook.com/DOJBJA)) and X ([@DOJBJA](https://twitter.com/DOJBJA)). BJA is a component of the Department of Justice's Office of Justice Programs.