



Justice Assistance Grant (JAG) Program, 2022

Alexia D. Cooper, PhD, and Lizabeth Remrey, *BJS Statisticians*

Introduction

In fiscal year (FY) 2022, a total of \$291,446,986 was available to be awarded through the Edward Byrne Memorial Justice Assistance Grant (JAG) program, the leading source of federal justice funding to state and local jurisdictions (figure 1). The JAG program provides states, territories, tribes, and local governments with critical funding necessary to support a range of criminal justice areas.

JAG awards may be used for—

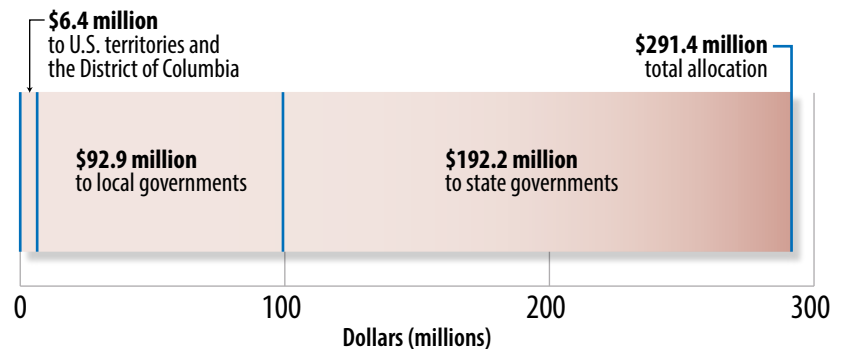
- law enforcement
- prosecution and courts
- prevention and education
- corrections and community corrections
- drug treatment
- planning, evaluation, and technology improvement
- crime victim and witness programs.

The Bureau of Justice Assistance (BJA) administers the JAG program, and the Bureau of Justice Statistics (BJS) calculates the JAG formula-based award amounts using specifications outlined in the 2005 Consolidated Appropriations Act. This report describes the steps in the JAG award calculation process and presents summary results of the 2022 JAG formula calculations. Please note that some calculations in this report are based on rounded numbers and percentages, while totals reflect precise dollar figures.

HIGHLIGHTS

FIGURE 1

Distribution of fiscal year 2022 Justice Assistance Grant program awards



Note: Details may not sum to totals due to rounding.

Source: Bureau of Justice Statistics calculations based on crime data from the FBI Uniform Crime Reporting program and population data from the U.S. Census Bureau.

- The total allocation for the 2022 JAG funding was approximately \$291.4 million, of which \$285.1 million went to states and \$6.4 million to U.S. territories and the District of Columbia.
- The five states with the largest total allocations were California (\$32.8 million), Texas (\$24.1 million), Florida (\$17.1 million), New York (\$15.1 million), and Illinois (\$10.7 million).
- A total of 1,594 local governments were eligible for awards, either directly or through a joint award with other governments within their county. The five local governments eligible to receive the largest awards were New York City (\$4.3 million), Los Angeles (\$2.3 million), Chicago (\$2.2 million), Houston (\$2.1 million), and Philadelphia (\$1.5 million).
- Two states had 100 or more local governments eligible to receive award funds either directly or through a shared award: California (221) and Florida (117).

Overview of process

Once the fiscal year JAG allocation has been determined, BJS begins its four-step award calculation process:

1. Compute an initial allocation for each state and U.S. territory, based on its share of violent crime, as reported to the FBI, and U.S. Census Bureau population (weighted equally).
2. Review the initial allocation amount to determine if it is less than the minimum (de minimus) award amount defined in the JAG legislation (0.25% of the total). If this is the case, the state or U.S. territory is funded at the minimum level, and the funds required for this are deducted from the overall pool of funds. Each of the remaining states receives the minimum award plus an amount based on the state's share of violent crime and population.
3. Divide each state's final amount at a share of 60% for the state government and 40% for local governments.
4. Determine local award allocations, which are based on a jurisdiction's proportion of the state's 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 local award is \$10,000 or more, then the local government is eligible to apply for an award.

Award calculation process

Step 1: Initial allocation to states and U.S. territories

[Legislative mandate: 34 U.S.C. §§ 10151–10158]

Using the congressional appropriation and formula for the 2022 JAG program, BJS calculates the initial allocation amounts for the 50 states, the District of Columbia, and U.S. territories. BJS allocates half of the available funds based on a state's or U.S. territory's share of violent crime and half of the funds based on its share of the nation's population.¹ The most recent 3-year period of official violent crime data for states and U.S. territories from the FBI covered 2018 to 2020. The population shares for the 50 states, District of Columbia, and U.S. territories were based on the U.S. Census Bureau's 2021 midyear population estimates.

Examples—

- For FY 2022, the total allocation for JAG was \$291.4 million. Half of the total (\$145,723,493) was allocated to states and U.S. territories based on their proportion of violent crime, and the other half of the total was allocated based on their proportion of the nation's population.
- Illinois accounts for 4.14% of the nation's total violent crime and 3.78% of the nation's total population. Therefore, Illinois' initial allocation equals 4.14% of \$145,723,493 plus 3.78% of \$145,723,493, totaling \$11,531,755.

¹To maintain consistency with the FBI's published crime totals, in this report, BJS used the FBI's revised definition of rape to calculate the initial 2022 state and U.S. territory allocations. (See *Methodology*.)

- North Dakota accounts for 0.18% of the nation's total violent crime and 0.23% of the nation's total population. North Dakota's initial allocation is 0.18% of \$145,723,493 plus 0.23% of \$145,723,493, totaling \$601,758.

Step 2: De minimus awards

[Legislative mandate: 34 U.S.C. § 10156(a)(2)]

The JAG legislation requires that each state or U.S. territory be awarded a minimum allocation equal to 0.25% of the total JAG allocation (\$728,617, after rounding, in 2022), regardless of its population or crime average. If a state's or U.S. territory's initial allocation based on crime and population is less than the minimum amount, that state or U.S. territory receives the minimum award amount as its total JAG allocation. If a state's or U.S. territory's initial allocation exceeds the minimum amount, it receives the minimum award plus the amount based on its share of violent crime and population.

Congress has made one exception to this rule: American Samoa and the Northern Mariana Islands are required to split one minimum award, with American Samoa receiving 67% (\$488,174) and the Northern Mariana Islands receiving 33% (\$240,444). (See *Methodology*.)

In 2022, three states (North Dakota, Vermont, and Wyoming) and four U.S. territories (American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands) received only the minimum award as their total JAG allocation. The remainder of the states, the District of Columbia, and Puerto Rico were all awarded the minimum award plus an additional allocation. A total of \$40,073,961 was allocated for minimum awards under the 2022 JAG program.

Examples—

- North Dakota's initial allocation of \$601,758 is less than the minimum value, so North Dakota's total JAG allocation will be the minimum amount of \$728,617.
- Illinois' initial allocation of \$11,531,755 exceeds the minimum value, so Illinois will receive the minimum award plus an award based on its share of total violent crime and population.

To compute the additional amounts, the crime and population data for states and U.S. territories receiving only the minimum award are removed from the pool. The remaining JAG funds are reallocated to the rest of the states based on violent crime and population, as in Step 1. The total amount to be awarded for JAG 2022 is \$251.4 million, which equals the original \$291.4 million award allocation minus the \$40.1 million minimum allocation.

Examples—

- North Dakota receives only the minimum award, so its crime and population data are removed from the pool.
- After removing the crime and population data for the states and U.S. territories receiving only the minimum award, Illinois accounts for 4.15% of violent crime and 3.80% of the nation's population. Illinois' new JAG allocation is thus equal to \$5,217,337 (based on the share of violent crime) plus \$4,782,147 (based on the share of the U.S. population), plus the minimum award amount of \$728,617. These three components equal \$10,728,102.

Step 3: 60%/40% split to state and local governments

[Legislative mandate: 34 U.S.C. §10156(b)]

Except for the U.S. territories and the District of Columbia, 60% of the total allocation to a state is retained by the state government, and 40% is set aside to be allocated to local governments.

Examples—

- Illinois' state government retains 60% of \$10,728,102, or \$6,436,861. The remaining 40%, or \$4,291,241, is set aside for distribution to local governments in Illinois.
- North Dakota's state government retains 60% of the minimum award of \$728,617, or \$437,170. The remaining 40%, or \$291,447, is set aside for distribution to local governments in North Dakota.

Step 4: Local award allocations

[Legislative mandate: 34 U.S.C. §§ 10156(c)–10156(h)]

To allocate local awards, BJS determines which jurisdictions should be included in the calculation of the 3-year violent crime averages upon which local awards are based. These crime averages are computed using data reported to the FBI's Uniform Crime Reporting (UCR) program. To be eligible, a jurisdiction must have provided to the UCR program a count of Part I violent crimes known to law enforcement each year for a minimum of 3 years during the past 10 years.² Jurisdictions that have not met the reporting requirements are excluded from the calculations and are not eligible to receive an award.

²To calculate the 2022 local award allocations, Part I violent crime totals included the definition of rape—legacy or 2013 revised—that an agency reported to the FBI. (See *Methodology*.)

The 10-year limit on the age of UCR data used for JAG local award calculations was applied for the first time in FY 2012, using UCR crime data from 2001 to 2010, and has been in effect for each year since. Although the 10-year limit was stipulated in the 2005 legislation that created the JAG program, it was not implemented until 2009 per the "Transitional rule." (See 34 U.S.C. § 10156(d)(2)(B).) For the 2010 JAG calculations, the 10-year window for eligible UCR data was waived because some agencies experienced difficulty meeting the new data age-limit requirements. Instead, all of the FBI's UCR data were used to meet the 3-year reporting requirement. Agencies that used this waiver signed an agreement indicating they would begin to report timely data on Part I violent crimes to the FBI starting no later than the end of FY 2010 (September 30, 2010). All agencies that used the waiver in 2010 reported updated UCR data by the required deadline, making it unnecessary to authorize any further waivers of the 10-year rule.

After determining which law enforcement agencies have the 3 years of reported violent crime data required to be included in the calculations, BJS computes the average number of violent crimes reported by all law enforcement agencies in each jurisdiction, such as local government, for the most recent 3 years in which they reported data. Because awards to local governments are based on their share of all violent crimes reported by the law enforcement agencies in their state, BJS computes the sum of these averages within each state to determine the jurisdiction's share of the total local award allocation.

TABLE 1**Allocations to state and local governments, fiscal year 2022**

	Initial allocations		Dollars per crime	Threshold	Eligible local awards		Reallocated to state	Total state government award	Total allocation
	State government	Local governments			Number	Amount			
Total	\$171,036,808	\$114,024,539	~	~	1,594	\$92,888,140	\$21,136,399	\$192,173,206	\$285,061,346
Alabama	3,012,886	2,008,591	\$119.72	83.53	38	1,446,184	562,407	3,575,292	5,021,476
Alaska	978,728	652,486	132.02	75.75	6	594,926	57,560	1,036,288	1,631,214
Arizona	4,111,160	2,740,773	82.73	120.88	33	2,537,844	202,929	4,314,089	6,851,933
Arkansas	2,204,547	1,469,698	81.79	122.26	37	1,088,472	381,226	2,585,774	3,674,246
California	19,686,670	13,124,447	76.68	130.41	221	12,029,901	1,094,546	20,781,216	32,811,117
Colorado	3,126,772	2,084,514	89.51	111.72	28	1,823,740	260,774	3,387,546	5,211,286
Connecticut	1,658,879	1,105,920	167.60	59.67	16	899,385	206,535	1,865,414	2,764,799
Delaware	910,552	607,034	204.94	48.79	7	535,989	71,045	981,597	1,517,586
Florida	10,238,664	6,825,776	83.65	119.55	117	6,193,328	632,448	10,871,112	17,064,440
Georgia	5,116,237	3,410,825	113.03	88.47	63	2,550,679	860,146	5,976,383	8,527,062
Hawaii	979,641	653,094	177.04	56.48	4	653,094	0	979,641	1,632,735
Idaho	1,120,125	746,750	174.12	57.43	13	511,454	235,296	1,355,421	1,866,875
Illinois	6,436,861	4,291,241	82.06	121.86	50	3,418,017	873,224	7,310,085	10,728,102
Indiana	3,442,768	2,295,179	103.20	96.90	20	1,858,789	436,390	3,879,158	5,737,947
Iowa	1,693,070	1,128,714	133.97	74.65	19	694,303	434,411	2,127,481	2,821,784
Kansas	1,833,292	1,222,195	98.00	102.04	17	915,126	307,069	2,140,360	3,055,486
Kentucky	2,074,074	1,382,716	142.84	70.01	11	1,016,324	366,392	2,440,465	3,456,789
Louisiana	3,085,201	2,056,801	78.70	127.06	36	1,667,452	389,349	3,474,550	5,142,002
Maine	837,295	558,197	409.64	24.41	13	294,527	263,670	1,100,965	1,395,492
Maryland	3,413,745	2,275,830	87.93	113.72	21	2,121,333	154,497	3,568,241	5,689,574
Massachusetts	3,348,948	2,232,632	101.77	98.26	39	1,681,202	551,430	3,900,377	5,581,579
Michigan	5,410,163	3,606,775	83.99	119.06	61	2,890,803	715,972	6,126,135	9,016,938
Minnesota	2,548,798	1,699,199	124.96	80.03	23	1,150,141	549,058	3,097,855	4,247,996
Mississippi	1,585,819	1,057,213	179.33	55.76	26	731,786	325,427	1,911,246	2,643,032
Missouri	3,704,761	2,469,840	77.44	129.13	23	1,745,421	724,419	4,429,180	6,174,601
Montana	955,508	637,006	138.90	71.99	17	454,208	182,798	1,138,306	1,592,514
Nebraska	1,236,075	824,050	143.34	69.77	7	650,563	173,487	1,409,562	2,060,125
Nevada	2,067,026	1,378,017	89.99	111.12	9	1,320,602	57,415	2,124,442	3,445,044
New Hampshire	881,126	587,417	286.36	34.92	6	303,350	284,067	1,165,193	1,468,543
New Jersey	3,607,074	2,404,716	136.97	73.01	40	1,712,977	691,739	4,298,812	6,011,789
New Mexico	1,929,741	1,286,494	85.77	116.59	19	1,085,854	200,640	2,130,381	3,216,235
New York	9,057,273	6,038,182	90.56	110.43	25	5,529,763	508,419	9,565,691	15,095,454
North Carolina	5,219,297	3,479,532	89.75	111.42	55	2,704,533	774,999	5,994,296	8,698,829
North Dakota	437,170	291,447	128.09	78.07	9	215,661	75,786	512,956	728,617
Ohio	5,180,559	3,453,706	103.75	96.38	36	2,631,675	822,031	6,002,589	8,634,264
Oklahoma	2,410,665	1,607,110	89.08	112.26	17	1,163,305	443,805	2,854,470	4,017,775
Oregon	2,127,339	1,418,226	117.05	85.43	23	1,081,784	336,442	2,463,780	3,545,564
Pennsylvania	5,900,867	3,933,911	146.67	68.18	37	2,768,040	1,165,871	7,066,738	9,834,778
Rhode Island	825,888	550,592	239.11	41.82	11	470,969	79,623	905,511	1,376,480
South Carolina	3,181,352	2,120,901	81.35	122.93	46	1,713,122	407,779	3,589,131	5,302,253
South Dakota	866,608	577,739	167.31	59.77	11	436,581	141,158	1,007,766	1,444,347
Tennessee	4,581,713	3,054,475	70.64	141.56	33	2,390,105	664,370	5,246,083	7,636,188
Texas	14,458,852	9,639,235	78.22	127.84	90	8,173,838	1,465,397	15,924,249	24,098,087
Utah	1,659,148	1,106,099	150.09	66.63	18	848,498	257,601	1,916,749	2,765,247
Vermont	437,170	291,447	350.30	28.55	8	164,289	127,158	564,328	728,617
Virginia	3,444,399	2,296,266	132.79	75.31	42	1,880,414	415,852	3,860,251	5,740,665
Washington	3,559,871	2,373,247	102.21	97.84	42	1,975,234	398,013	3,957,885	5,933,119
West Virginia	1,186,167	790,778	188.71	52.99	23	598,102	192,676	1,378,843	1,976,945
Wisconsin	2,829,095	1,886,063	106.44	93.95	18	1,370,615	515,448	3,344,543	4,715,158
Wyoming	437,170	291,447	243.41	41.08	10	193,838	97,609	534,779	728,617

Note: Details may not sum to totals due to rounding.

~Not applicable.

Source: Bureau of Justice Statistics state calculations based on crime data from the FBI Uniform Crime Reporting (UCR) program, 2018–2020, and population data from the U.S. Census Bureau, 2021; and local calculations based on crime data from the UCR program, 2011–2020.

Examples—

- Illinois has \$4.3 million set aside for local awards. The sum of the 3-year average violent crimes reported by local jurisdictions in Illinois equals 52,852.00 crimes. Dividing the amount set aside (\$4.3 million) by the state crime total (52,852.00) results in the number of dollars available for each crime (\$82.06). Therefore, a local Illinois jurisdiction needs a 3-year violent crime average of at least 121.86 violent crimes (\$10,000 divided by \$82.06) to be eligible for a direct award.
- North Dakota has \$291,447 set aside for local governments. The sum of 3-year average violent crimes reported is 2,324.67. The ratio of dollars per crime in North Dakota equals \$291,447 divided by 2,324.67 crimes, or \$128.09 per crime (after rounding). The threshold is 78.07 violent crimes (\$10,000 divided by \$128.09) to be eligible for a direct award.

BJS then calculates the initial amount of each local award. Each of these is equal to the product of a local jurisdiction’s 3-year violent crime average and the ratio of dollars per crime for the state in which it is located. By statute, the minimum award a local jurisdiction may receive is \$10,000. Jurisdictions eligible for an initial award greater than or equal to \$10,000 can apply to receive the funds for their own use. If the initial award is less than \$10,000, the award funds are transferred to the state administering agency for distribution to the state police or any units of local government that were ineligible for a direct award greater than or equal to \$10,000. (See “Allocations under \$10,000,” 34 U.S.C. § 10156(e)(2).)

Examples—

- Evanston, Illinois, has a 3-year average of 134.67 violent crimes, which is less than 1% of all violent crimes reported by potentially eligible jurisdictions in Illinois. Evanston exceeds the state threshold of 121.86 violent crimes and is eligible for approximately 1% of the \$4.3 million in JAG funds set aside for local governments in Illinois. This calculates to about \$11,051, or 135 multiplied by \$82.06, the dollars-per-crime rate for Illinois from the prior example.
- Adams County in North Dakota has a 3-year average of 2.33 violent crimes. This does not meet the state threshold of 78.07, so the town is ineligible for a direct JAG award. Adams County’s share of JAG funds set aside for local governments in North Dakota amounts to about \$299, below the \$10,000 statutory minimum threshold for receiving a direct award. These funds are transferred to the state administering agency for redistribution.

Results of the calculations for the 2022 JAG program

For the 2022 JAG awards, approximately \$285.1 million of the \$291.4 million available was allocated to the 50 states, with the remainder allocated to the District of Columbia and U.S. territories (table 1). As required by the legislation, 40% of this amount (\$114.0 million) was initially reserved for local governments. A total of 1,594 local governments had law enforcement agencies with a sufficient number of Part 1 violent crimes that were reported to the FBI to receive a JAG award—either

directly or through a joint award with other governments in their county. These local governments were eligible for a collective total of \$92.9 million. The balance of unawarded local allocations (\$21.1 million) was returned to state governments for redistribution to state law enforcement agencies and local governments. The five local governments eligible to receive the largest awards were New York City (\$4.3 million), Los Angeles (\$2.3 million), Chicago (\$2.2 million), Houston (\$2.1 million), and Philadelphia (\$1.5 million).

In addition, the District of Columbia was eligible for \$1.7 million and Puerto Rico was eligible for \$2.5 million (table 2). Guam and the U.S. Virgin Islands were each eligible for the minimum award of \$728,617. American Samoa (\$488,174) and the Northern Mariana Islands (\$240,444) split one minimum award.

TABLE 2
Allocations to U.S. territories and the District of Columbia, fiscal year 2022

	Award amount
Total	\$6,385,640
American Samoa	488,174
Guam	728,617
Northern Mariana Islands	240,444
Puerto Rico	2,510,009
U.S. Virgin Islands	728,617
District of Columbia	1,689,778

Note: Details may not sum to totals due to rounding.

Source: Bureau of Justice Statistics calculations based on crime data from the FBI Uniform Crime Reporting program, 2018–2020, and population data from the U.S. Census Bureau, 2021.

Additional JAG provisions

Disparate jurisdictions and joint allocations

[Legislative mandate: 34 U.S.C. §§ 10156(d)(3), 10156(d)(4)]

In some cases, as defined by the legislation, a disparity could exist between the funding eligibility of a county and its associated municipalities. Three different types of disparities might exist.

The first type is a zero-county disparity. This situation exists when at least one municipality within a county is eligible for a direct award and the county is not eligible but is responsible for providing criminal justice services (such as prosecution and incarceration) for the municipality. In this case, the county is entitled to part of the municipality's award because it shares the cost of criminal justice operations, although the county may not report crime data to the FBI. This is the most common type of disparity.

Example—

- Van Buren City, Arizona, is eligible for an award of \$10,469. Crawford County (which includes the city of Van Buren) is not eligible for a direct award, but it provides criminal justice services to Van Buren. In this case, Crawford County and Van Buren are considered zero-county disparate. Van Buren must share its award funds with Crawford County through a mutual agreement.

A second type of disparity exists when both a county and municipality within that county qualify for a direct award but the award amount for the municipality exceeds 150% of the county's award amount.

Example—

- Arapahoe County, Colorado, is eligible for a direct award of \$21,960. The city of Aurora in Arapahoe County is eligible for a direct award of \$269,515. Aurora's award amount is more than 150% of Arapahoe County's award amount. Consequently, the two governments' awards are pooled together (\$291,475) and shared through a mutual agreement.

The third type of disparity occurs when a county and multiple municipalities within that county are all eligible for direct awards but the sum of the awards for the individual municipalities exceeds 400% of the county's award amount. In the 2022 JAG calculations, this type of disparity occurred only with another type of disparity within the same county. An example of a situation in which this was the only type of disparity within a county is available in *Justice Assistance Grant (JAG) Program, 2014* (NCJ 247137, BJS, August 2014).

These three types of disparity are examined in order. If a municipality is found to be disparate in one of these three ways, its award is not included in calculations to test for other disparities. For instance, if a municipality is found to be 150% disparate with the county, its award is set aside and the rest of the municipalities within the same county are checked for 400% disparity. If no other disparity is found, the single municipality and county share the sum of their two awards. However, it is possible for a county to have both a 150% disparity and a 400% disparity simultaneously. For instance, counties can have one or more municipalities whose individual awards are more than 150% of the county's award and other municipalities whose combined award is more than 400% of the county's award.

Examples—

- Alameda County, California, is eligible for an award of \$51,199. The Alameda County cities of Alameda (\$13,777), Berkeley (\$44,502), Emeryville (\$11,324), Fremont (\$33,459), Hayward (\$44,706), Livermore (\$13,880), Oakland (\$425,667), San Leandro (\$35,504), and Union (\$19,426) are also eligible for awards. The award for Oakland (\$425,667) is individually more than 150% of Alameda County's award, so Oakland's award will be pooled together with the county's award. The other eight cities' awards sum to \$216,578. This amount is more than 400% of Alameda County's direct award of \$51,199. As a result, the funds for all 10 jurisdictions (\$693,444, accounting for rounding) are pooled together and must be shared.
- Pierce County, Washington, is eligible for an award of \$118,327. The jurisdictions of Puyallup (\$11,618), Tacoma (\$191,783), Lakewood (\$42,486), and Fife (\$10,323) are also eligible for awards. The award amount for Tacoma is more than 150% of the award amount for Pierce County. This jurisdiction is disparate with the county, and the two jurisdictions will share the combined total of \$310,110. The remaining jurisdictions of Puyallup, Lakewood, and Fife are individually less than 150% of the award amount for Pierce County, and the three awards combined are less than 400% of the county's award. Accordingly, they are eligible for direct awards, and the awards for these three cities will remain separate.

For disparate situations, regardless of the type, the total of all award funds for the separate units of local governments (counties and municipalities) are pooled together

and split among the units of local government as agreed upon by the affected jurisdictions. To qualify for payment, the disparate units of local government must submit a joint application for the aggregated funds.

Pass-through requirement

[Legislative mandate: 34 U.S.C. § 10156(c)]

According to the JAG legislation, states may retain only award amounts that bear the same ratio of “(A) total expenditures on criminal justice by the state government in the most recently completed fiscal year to (B) the total expenditure on criminal justice by the state government and units of local government within the state in such year.”

The determination of proportionate criminal justice spending by state and local governments is referred to as the variable pass-through (VPT) process under JAG. The VPT process identifies the amounts each state must pass down to local governments within the state.

The U.S. Census Bureau uses several sources of data to calculate the VPT percentages, including initial expenditure data from the Annual Survey of State and Local Government Finances conducted by the U.S. Census Bureau and federal justice grant data from www.USAspending.gov. Source data were assigned to state and local governments. Intergovernmental expenditures and grants were removed from the total justice expenditure for the appropriate type of government. The resulting expenditure data were then used to calculate the VPT percentages by comparing the total justice expenditures of all local governments in a state to the expenditures of the state government itself. A simple

percentage resulted, which represented the combined local government expenditures within the state divided by the total state criminal justice expenditures. These VPT percentages were used for the 2022 JAG program and can be found on the BJA website at <https://bja.ojp.gov/program/jag/jag-variable-pass-through-vpt-information>.

Sex Offender Registration and Notification Act penalty and compliance bonus funds

[Legislative mandate: 34 U.S.C. §§ 20927(a), 20927(c)]

Penalty

Title I of the Adam Walsh Child Protection and Safety Act of 2006 required that the 50 states, the District of Columbia, the five inhabited U.S. territories, and some federally recognized tribes substantially implement the Sex Offender Registration and Notification Act (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 jurisdictions that failed to substantially implement SORNA by the deadline. That penalty was calculated by subtracting 10% from the state government’s allocation (60% of the total award), after deducting the mandatory VPT 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 that were not eligible for a direct JAG award.

The penalty does not apply to the VPT, which is the portion of JAG funds awarded directly to local law enforcement, as the state cannot retain any portion of that award. Penalizing local agencies would

be detrimental to law enforcement efforts, including the investigation, prosecution, and apprehension of sex offenders. An example of how the SORNA penalty was assessed can be found on the BJA website at <https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/jag-faqs.pdf>.

In FY 2022, a total of 34 states and U.S. territories were not compliant with SORNA’s requirements. The combined FY 2022 JAG award for these jurisdictions was reduced by \$6,117,673. These jurisdictions were allowed to apply to reallocate the 10% penalty to promote SORNA implementation. Thirteen SORNA-noncompliant states did not apply to reallocate the penalty. Per the act, the \$2,648,742 withheld from these jurisdictions will be reallocated to SORNA-compliant states as part of the FY 2023 JAG award.

Bonus funds from FY 2021

Per 34 U.S.C. § 20927(c), as determined by the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART), any state or U.S. territory that has substantially implemented SORNA during the current fiscal year will be eligible to receive compliant bonus funds in addition to its JAG award for the following year. This bonus allocation is calculated using SORNA penalty funds from noncompliant states and U.S. territories during the current fiscal year. For example, any state or U.S. territory that substantially implemented SORNA in FY 2021 would have bonus funds added to its FY 2022 state JAG award, made up of SORNA penalty funds from nonimplementing states and U.S. territories in FY 2021. The amounts available for compliant bonus funds vary from year to year, depending on the amount of SORNA penalty funds from the previous year.

Bonus funds are allocated using the same general approach as the overall JAG award allocation calculations. First, an initial allocation is calculated for each eligible state and U.S. territory using its share of violent crime and population (weighted equally). Next, this initial allocation is reviewed to determine if it is less than the minimum award amount (defined as 0.25% of the total funds available). If this is the case, the state or U.S. territory is allocated 0.25% of the total funds available, and the funds required for this are deducted from the overall pool of funds. These states and U.S. territories are then removed from the calculations. Each of the remaining states and U.S. territories receives the minimum award plus an amount based on its share of violent crime and population for the remaining jurisdictions. Finally, each bonus is rounded down to the nearest dollar to ensure that the amount awarded does not exceed the total bonus funds available.

For FY 2022, a total of \$2,147,863 was allocated (after rounding) from the FY 2021 SORNA reductions from the noncompliant states. These funds were distributed to the 22 states and U.S. territories that substantially implemented SORNA during FY 2022. Of these states, Florida (\$401,983) and Michigan (\$202,247) received the largest awards (table 3). Of the eligible U.S. territories, the U.S. Virgin Islands (\$5,369) and Guam (\$5,369) received the largest awards.

For information on the SORNA penalty and bonus funds, including implementation requirements and a list of states and U.S. territories affected in FY 2022, contact the SMART Office Policy Advisor assigned to assist the jurisdiction of interest: <https://smart.ojp.gov/sorna>.

TABLE 3
Sex Offender Registration and Notification Act bonus fund allocations, fiscal year 2022

	Bonus award amount
Total	\$2,147,863
Alabama	110,260
American Samoa*	3,597
Colorado	110,735
Delaware	24,349
Florida	401,983
Guam*	5,369
Kansas	60,927
Louisiana	108,214
Maryland	128,695
Michigan	202,247
Mississippi	51,785
Missouri	135,275
Northern Mariana Islands*	1,771
Nevada	72,310
Ohio	195,392
Oklahoma	84,278
South Carolina	113,929
South Dakota	22,076
Tennessee	168,050
U.S. Virgin Islands*	5,369
Virginia	127,409
Wyoming	13,843

Note: Details may not sum to totals due to rounding. All awards were rounded down to the nearest dollar to ensure the total did not exceed the available bonus funds.

*U.S. territory.

Source: Bureau of Justice Statistics calculations based on data from Justice Assistance Grant awards, fiscal year 2021.

Prison Rape Elimination Act certification reduction and bonus funds

[Legislative mandate: 34 U.S.C. § 30307(e)(2)]

Reduction

The Prison Rape Elimination Act of 2003 (PREA) dictates that a state whose governor does not certify full compliance with the U.S. Department of Justice (DOJ) National Standards to Prevent, Detect, and Respond to Prison Rape (34 U.S.C. § 30307(e)(2)) is subject to the loss of 5% of any DOJ grant funds that it would otherwise receive for prison purposes. However, the state may not lose these funds if the governor submits to the Attorney General an assurance that such 5% will be used only to enable the state to adopt and achieve full compliance with the national PREA standards in future years.

For those without a certification of full compliance, the PREA reduction was calculated by subtracting 5% from the state government's allocation (60% of the total award), after deducting the VPT that states are required to send to local governments. The reduction applies to the portion of JAG funding returned to the state to be shared with local governments that were not eligible for a direct JAG award (jurisdictions whose award would have been less than \$10,000).

The reduction does not apply to the VPT, which is the portion of JAG funds awarded directly to local law enforcement, as the state cannot retain any portion of that award. An example of how the PREA reduction was assessed can be found on the BJA website at https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/JAG-PREA-FAQ_0.pdf.

Thirty-four states and U.S. territories were not compliant with PREA in FY 2022. As a result, these jurisdictions sustained a combined \$3,020,301 reduction to their FY 2022 JAG awards. These jurisdictions could apply to reallocate the 5% reduction to achieve compliance with PREA standards and become certified. Two states and two U.S. territories were noncompliant with PREA and did not apply to reallocate the reduction. Per the PREA legislation, the \$134,853 withheld from these jurisdictions was reallocated to jurisdictions that were either certified or working to achieve certification.

Bonus funds

PREA bonus funds are allocated using the same general approach as the overall JAG award allocation calculations. First, an initial allocation is calculated for each eligible state and U.S. territory, using its share of violent crime and population (weighted equally). Next, the initial allocation is reviewed to determine whether it is less than the minimum award amount (0.25% of the total funds available). If it is, the state or U.S. territory is allocated 0.25% of the total funds available, and the required funds are deducted from the overall pool of funds. These states and U.S. territories are then removed from the calculations. Each of the remaining states and U.S. territories receives the minimum award plus an amount based on its share of violent crime and population for the remaining jurisdictions. Finally, each bonus is rounded down to the nearest dollar to ensure that the amount awarded does not exceed the total bonus funds available.

TABLE 4
Prison Rape Elimination Act bonus fund allocations for states, fiscal year 2022

	Bonus award amount
Total	\$132,297
Alabama	2,366
Arizona	3,231
Arkansas	1,729
California	15,501
Colorado	2,456
Connecticut	1,299
Delaware	710
Florida	8,059
Georgia	4,023
Hawaii	764
Idaho	875
Illinois	5,063
Indiana	2,705
Iowa	1,326
Kansas	1,437
Kentucky	1,626
Louisiana	2,423
Maine	652
Maryland	2,682
Massachusetts	2,631
Michigan	4,254
Minnesota	2,000
Mississippi	1,242
Missouri	2,911
Montana	745
Nebraska	966
Nevada	1,621
New Hampshire	686
New Jersey	2,834
New Mexico	1,512
New York	7,128
North Carolina	4,104
North Dakota	337
Ohio	4,074
Oklahoma	1,891
Oregon	1,668
Pennsylvania	4,641
Rhode Island	643
South Carolina	2,498
South Dakota	675
Tennessee	3,601
Texas	11,383
Vermont	337
Virginia	2,706
Washington	2,797
West Virginia	927
Wisconsin	2,221
Wyoming	337

Note: Details may not sum to totals due to rounding. All awards were rounded down to the nearest dollar to ensure the total did not exceed the available bonus funds.

Source: Bureau of Justice Statistics calculations based on data from Justice Assistance Grant awards, fiscal year 2022.

For the FY 2022 JAG awards, a total of \$134,853 was available (after rounding) from PREA reductions from the noncompliant states and U.S. territories. These funds were distributed to the states, the District of Columbia, and U.S. territories that were PREA certified or were working to become certified. Of the states that were eligible for bonus funds, California (\$15,501) and Texas (\$11,383) received the largest awards (table 4). Of the eligible U.S. territories, Puerto Rico (\$1,179) received the largest bonus award (table 5).

For additional information on PREA reduction and bonus funds, including implementation requirements and a list of states and U.S. territories that were affected in FY 2022, contact the PREA Management Office at PREACompliance@usdoj.gov.

TABLE 5
Prison Rape Elimination Act bonus fund allocations for U.S. territories and the District of Columbia, fiscal year 2022

	Bonus award amount
Total	\$2,532
American Samoa	225
Guam	337
Puerto Rico	1,179
District of Columbia	791

Note: Details may not sum to totals due to rounding. All awards were rounded down to the nearest dollar to ensure the total did not exceed the available bonus funds.

Source: Bureau of Justice Statistics calculations based on data from Justice Assistance Grant awards, fiscal year 2022.

Maximum allocation to units of local government

[Legislative mandate: 34 U.S.C. § 10156(e)(1)]

The JAG legislation prohibits units of local government from receiving a JAG award that “exceeds such unit’s total expenditures on criminal justice services for the most recently completed fiscal year for which data are available.” Award amounts in excess of total expenditures “shall be allocated proportionately among units of local government whose allocations do not exceed their total expenditures on such services.”

Methodology

The Bureau of Justice Statistics (BJS) used population data from the U.S. Census Bureau’s 2021 midyear population estimates to calculate Edward Byrne Memorial Justice Assistance Grant (JAG) allocations to states and U.S. territories. The 2022 JAG calculations included state-level violent crime estimates for 2018 through 2020 that were published by the FBI’s Uniform Crime Reporting (UCR) program in *Crime in the United States (CIUS)*.

To calculate local JAG allocation amounts, BJS obtained reported UCR data for local jurisdictions in electronic format directly from the FBI and processed the data to link each crime-reporting entity to a local government. The 2022 JAG calculations used local crime data from 2011 through 2020.

The sum of the UCR violent crimes for all local governments within a state for a given year will not equal the estimated crime total published by the FBI for that state. These state-level estimates are based on crimes reported by all

state, local, and special district law enforcement agencies within a state, plus an imputation adjustment to account for nonreporting agencies and agencies reporting less than 12 months of data. These imputed values do not appear on the electronic data file that BJS used and are not used to calculate local awards.

UCR modification to the definition of rape

Historically, the UCR program defined rape as “the carnal knowledge of a female forcibly and against her will.” Many agencies recognized that this definition excludes a long list of sex offenses that are criminal in most jurisdictions, such as offenses involving oral or anal penetration, penetration with objects, and rapes of males. Because these sex offenses were excluded, the UCR rape data represented an undercount of rape known to law enforcement.

In December 2011, the FBI revised the UCR’s 80-year-old definition of rape to be more inclusive and increase accuracy in the scope and volume of rape. The definition was broadened to “penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.”³

The revised definition was officially approved in 2011, and the FBI encouraged agencies to begin reporting data using the revised definition starting on January 1, 2013. However, in 2013, some agencies reported rape counts

³For FAQs on the revised definition of rape, visit <https://ucr.fbi.gov/recent-program-updates/new-rape-definition-frequently-asked-questions>.

using only the legacy definition, while other agencies reported data using only the revised definition. Accordingly, the FBI chose to report rape counts collected under both definitions in the *CIUS* publication. At this time, although the FBI continues to publish estimates for both definitions of rape to allow for past-year comparisons, the revised definition of rape was used to calculate the violent crime counts in any tables that showed trend data (multiyear estimates).

For the initial part of the JAG calculations, which determine the initial allocation to each state and how much is available for local awards within each state, the formula used the most recent 3 years of crime data as published by the FBI. Therefore, to be consistent with the totals published in *CIUS*, BJS used the FBI’s revised rape counts for the first part of the formula.

For local award allocations, BJS used an electronic data file provided by the FBI. The file includes agency-level counts of homicide, rape, robbery, and aggravated assault that are summed together to create the violent crime total used in the formula. Unlike the estimates published in *CIUS*, the electronic file has only a single category for rape for each agency. This category reflects the counts provided by the agency but does not indicate which definition of rape was reported. This variable was used in the 2022 JAG calculations for local awards.

For additional information on the UCR program’s changes to the definition of rape and how the changes affect *CIUS*, contact the FBI’s UCR program at crimestatsinfo@ic.fbi.gov.

Allocations to U.S. territories

Puerto Rico was the only U.S. territory to receive an initial allocation larger than the minimum amount, and it was also the only U.S. territory for which violent crime data were available. The JAG calculations for the other U.S. territories were based solely on population data. Because the other U.S. territories have relatively small populations (none exceeding 170,000), it is unlikely the inclusion of crime data would have changed their minimum status.

The JAG legislation specifies that 40% of the total allocation for Puerto Rico be set aside for local awards. However, as of 2022, the local-level UCR data provided by the FBI did not include any crime data for local jurisdictions in Puerto Rico. Therefore, the local government JAG program allocation in Puerto Rico was \$0.

Sources of additional information

The Edward Byrne Memorial JAG program was established to streamline justice funding and grant administration. Administered by Bureau of Justice Assistance (BJA), the JAG program allows states, tribes, and local governments to support a broad range of activities to prevent and control crime based on local needs and conditions. JAG consolidates the previous Byrne formula and Local Law Enforcement Block Grant programs. More information about the JAG program and application process can be found on the BJA website at <https://bja.ojp.gov/program/jag/overview>.

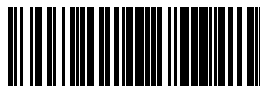


The Bureau of Justice Statistics of the U.S. Department of Justice is the principal federal agency responsible for measuring crime, criminal victimization, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels. BJS collects, analyzes, and disseminates reliable statistics on crime and justice systems in the United States, supports improvements to state and local criminal justice information systems, and participates with national and international organizations to develop and recommend national standards for justice statistics. Kevin M. Scott, PhD, is the acting director.

This report was written by Alexia D. Cooper, PhD, and Lizabeth Remrey. Stephanie Mueller verified the report.

Maureen Stuart edited the report. Jeffrey Link produced the report.

February 2024, NCJ 308260



NCJ 308260

Office of Justice Programs
Building Solutions • Supporting Communities • Advancing Justice
www.ojp.gov