



TECHNICAL REPORT

April 2011, NCJ 233811

# Justice Assistance Grant (JAG) Program 2010

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## Introduction

As part of the Consolidated Appropriations Act of 2005, the 108th Congress merged the discretionary Edward Byrne Memorial Grant Program with the formula-based Local Law Enforcement Block Grant (LLEBG) program to establish the Edward Byrne Memorial Justice Assistance Grant (JAG) program. 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 legislation.

The JAG program has seven purpose areas under which funds may be awarded:

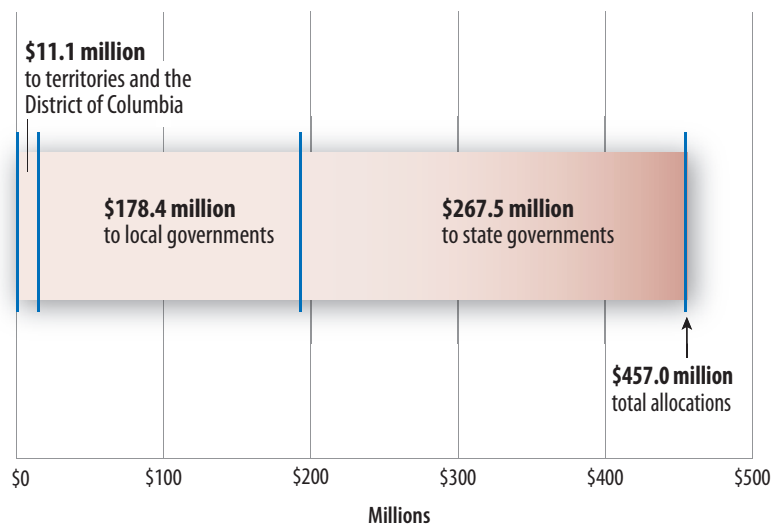
- Law enforcement
- Prosecution and courts
- Prevention and education
- Corrections and community corrections
- Drug treatment
- Planning, evaluation, and technology improvement
- Crime victim and witness programs.

A total of \$456,954,707 was available for the 2010 JAG awards. This report describes the steps in the JAG award calculation process and presents summary results of the 2010 JAG formula calculations.

## HIGHLIGHTS

FIGURE 1

Distribution of FY 2010 JAG funds



- The total 2010 allocation for the JAG funding was approximately \$457.0 million, of which \$445.9 million went to states and \$11.1 million to territories and the District of Columbia.
- The five states eligible to receive the largest total state allocation included California (\$51.1 million), Texas (\$34.0 million), Florida (\$30.9 million), New York (\$24.8 million), and Illinois (\$18.9 million).
- 2,214 local governments were eligible for awards, either directly or through a joint allocation with other governments within their county. The five local governments eligible to receive the largest awards included New York City (\$6.4 million), Chicago (\$4.9 million), Los Angeles (\$3.1 million), Philadelphia (\$3.0 million), and Houston (\$2.7 million).
- Three states had more than 100 local governments eligible to receive awards either directly or through a joint allocation, including California (272), Florida (152), and Texas (145).

## Overview of process

Once the fiscal year JAG allocation has been determined, BJS begins its four-step award calculation process which consists of—

- Computing an initial allocation for each state and territory, based on its share of violent crime and population (weighted equally).
- Reviewing 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 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 additional amount based on its share of violent crime and population.
- Dividing each state's final amount at a rate of 60% for state governments and 40% for local governments.
- Determining local award allocations, which are based on their proportion of the state's three-year violent crime average. If a local award amount is less than \$10,000, the funds are returned to the state. If it is \$10,000 or more, then the local government is eligible to apply for an award.

The JAG award calculation process, with examples, is explained in more detail below.

## The four-step award calculation process

### Step 1: Initial allocation to states and territories

[Legislative mandate: 42 USC 3755 (a) (1)]

Based on the congressional determination to appropriate \$457.0 million for the 2010 JAG program, BJS calculates the initial allocation amounts for the 50 states and territories. Using the congressionally established formula, BJS 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 population. The most recent three-year period of official violent crime data for states and territories from the Federal Bureau of Investigation (FBI) covered the period between 2006 and 2008. The population shares for states and territories were determined based on 2009 population estimates published by the U.S. Census Bureau.

#### Examples:

- California accounts for 13.34% of the nation's total violent crime and 11.87% of its total population. California's initial allocation is 13.34% of \$228,477,354 (half of \$456,954,707) plus 11.87% of \$228,477,354, totaling \$57,596,839.
- Vermont accounts for 0.06% of total violent crime and 0.20% of total population. Vermont's initial allocation is 0.06% of \$228,477,354 plus 0.20% of \$228,477,354, totaling \$592,255.

### Step 2: De minimus awards

[Legislative mandate: 42 USC 3755 (a) (2)]

The JAG legislation requires that each state or territory be awarded a minimum allocation equal to 0.25% of the total JAG allocation (\$1,142,387 in 2010), 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 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. A total of \$62,831,272 was allocated for minimum awards in the 2010 JAG program.

Congress 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% (\$765,399) and the Northern Mariana Islands receiving 33% (\$376,988). (See *Methodology* for more information on allocation procedures for the territories.)

#### Examples:

- Vermont's initial allocation of \$592,255 is less than the minimum value, so Vermont's total JAG allocation will be the minimum amount of \$1,142,387.
- California's initial allocation of \$57,596,839 exceeds the minimum value, so California will receive the minimum 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 territories receiving only the minimum award are removed from the pool, and the remaining JAG funds are reallocated to the rest of the states based on violent crime and population as in Step 1.

#### Examples:

- Vermont received only the minimum award, so its crime and population data are removed from the pool.
- After removing the crime and population data for the minimum amounts for states and territories, California accounts for 13.39% of the violent crime and 11.99% of the population. Its new JAG allocation is equal to \$26,384,282 (13.39% of one half of \$394 million) plus \$23,621,737 (11.99% of one half of \$394 million), plus the minimum amount of \$1,142,387. These three components equal \$51,148,405.

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

[Legislative mandate: 42 USC 3755 (b)]

Except for the 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:

- California's state government retains 60% of \$51,148,405, or \$30,689,043. The remaining 40%, or \$20,459,362, is set aside for distribution to local governments in California.

- Vermont's state government retains 60% of the minimum award of \$1,142,387, or \$685,432. The remaining 40%, or \$456,955, is set aside for distribution to local governments in Vermont.

#### Step 4: Determining local award allocations

[Legislative Mandate: 42 USC 3755 (c) (d)(e)(f)(g)(h)]

In order to determine local awards, it is first necessary to determine which jurisdictions should be included in the calculation of the three-year violent crime averages on which local awards are based. These crime averages are computed using data published by the FBI's Uniform Crime Reporting (UCR) Program. To be eligible, a jurisdiction must have provided to the UCR a count of the number of violent crimes known to law enforcement each year for a minimum of three years in the last ten. Jurisdictions that have not reported data for at least three of the last ten years are excluded from the calculations and cannot receive an award.

For the 2010 JAG, the ten-year limit on the age of UCR data was waived because some agencies had difficulty meeting the new requirements. Instead, all years of UCR data provided to BJS by the FBI could be used to meet the three-year reporting requirement, as had been done previously under the "Transitional Rule." (See 505(d) (2)(B).) This waiver was given to the agencies that agreed to begin the timely reporting of data on Part I violent crimes of the UCR to the FBI starting no later than the end of federal Fiscal Year 2010 (September 30, 2010). The UCR data used for the 2010 JAG included the 18-year period from 1991 through 2008.

After determining which law enforcement agencies have the three 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 (e.g., local government) for the three most recent years in which they reported data.

Since 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 local governments may receive.

#### Examples:

- California has \$20.5 million set aside for local awards. The three-year violent crime averages reported by local jurisdictions in California equal 187,835. Dividing the \$20.5 million set aside by the state crime totals results in the number of dollars available for each crime:  $\$20.5 \text{ million} / 187,835 \text{ crimes} = \$108.92 \text{ per crime}$ . Therefore, a local California jurisdiction needs a three-year average of at least 91.81 violent crimes ( $\$10,000 / \$108.92$ ) to be eligible for an award.
- Vermont has \$456,955 set aside for local governments. The sum of three-year average violent crimes reported is 615.67. The dollars per crime ratio in Vermont equals  $\$456,955 / 615.67 \text{ crimes}$ , or \$742.21 per crime. The threshold is 13.47 violent crimes ( $\$10,000 / \$742.21$ ) to be eligible for an award.

Finally, BJS calculates the initial amount of each local award. Each local award amount is equal to the product of a local jurisdiction's three-year violent crime average and the "dollars per crime" ratio for the state in which it is located. By statute, the minimum award a local jurisdiction may receive is \$10,000. Jurisdictions that are eligible for an initial award greater than or equal to \$10,000 are eligible to 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 and/or any units of local government that were ineligible for a direct award greater than or equal to \$10,000. (See "Pass-through Requirement" [42 USC 3755 (c)] on page 5.)

#### Examples:

- The city of Oakland, California, has a three-year average of 7,703 violent crimes, or 4.1% of all violent crimes reported by jurisdictions in California. Oakland exceeds the state threshold of 91.81 violent crimes. It is eligible for 4.1% of the \$20.5 million set-aside for local governments in California, or about \$839,000 ( $7,703 \times \$108.92$ ).
- The city of Swanton, Vermont, has a three-year average of 2.67 violent crimes. This does not meet the state threshold of 13.47, so it is ineligible for a JAG award. Its crime, less than 1% of all violent crime in Vermont, accounts for about \$1,979 of award funds. These funds are transferred to the state for redistribution.

#### Results of the calculations for the 2010 Justice Assistance Grant Program

For the 2010 JAG, approximately \$445.9 million of the \$457.0 million available was allocated to the 50 states (table 1) with the remainder allocated to the District of Columbia and the U.S. territories. As required by the legislation, 40% of this amount (\$178.4 million) was initially reserved for local governments. A total of 2,214 local governments had law enforcement agencies that provided a sufficient number of reported crimes to the FBI to receive a JAG award and were eligible for a collective total of \$155.3 million. The balance of unawarded local allocations (\$23.1 million) was returned to the state governments for redistribution to state law enforcement agencies and local governments.

TABLE 1

## State and local allocation amounts, FY 2010

State	Initial Allocations			Threshold	Eligible local awards		Reallocated to state	Total state government award	Total allocation
	State government	Local governments	Dollars per crime		Number	Amount			
Total	\$267,525,151	\$178,350,101			2,214	\$155,257,118	\$23,092,983	\$290,618,134	\$445,875,252
Alabama	\$4,194,263	\$2,796,176	\$140.99	70.93	47	\$2,116,721	\$679,455	\$4,873,718	\$6,990,439
Alaska	1,330,793	887,195	249.75	40.04	9	820,011	67,184	1,397,977	2,217,988
Arizona	5,919,921	3,946,614	123.83	80.75	42	3,735,686	210,928	6,130,849	9,866,535
Arkansas	3,048,224	2,032,149	138.11	72.40	33	1,537,798	494,351	3,542,575	5,080,373
California	30,689,043	20,459,362	108.92	91.81	272	19,511,016	948,346	31,637,389	51,148,405
Colorado	4,080,881	2,720,587	156.69	63.82	30	2,329,530	391,057	4,471,938	6,801,468
Connecticut	2,915,374	1,943,583	192.14	52.05	22	1,702,709	240,874	3,156,248	4,858,957
Delaware	1,533,173	1,022,115	250.46	39.93	9	948,648	73,467	1,606,640	2,555,288
Florida	18,551,117	12,367,412	96.32	103.82	152	11,649,797	717,615	19,268,732	30,918,529
Georgia	8,318,261	5,545,507	126.75	78.90	89	4,690,114	855,393	9,173,655	13,863,769
Hawaii	1,477,869	985,246	279.19	35.82	4	985,246	0	1,477,869	2,463,115
Idaho	1,585,873	1,057,249	286.75	34.87	21	828,517	228,732	1,814,605	2,643,122
Illinois	11,345,675	7,563,784	144.96	68.98	54	7,032,357	531,427	11,877,102	18,909,459
Indiana	4,904,285	3,269,523	166.89	59.92	35	2,822,543	446,980	5,351,265	8,173,808
Iowa	2,568,836	1,712,557	200.13	49.97	25	1,306,698	405,859	2,974,695	4,281,393
Kansas	2,777,250	1,851,500	158.53	63.08	26	1,436,371	415,129	3,192,378	4,628,749
Kentucky	3,363,024	2,242,016	208.88	47.87	21	1,786,650	455,366	3,818,391	5,605,041
Louisiana	4,960,414	3,306,943	112.20	89.13	58	2,892,039	414,904	5,375,318	8,267,357
Maine	1,320,471	880,314	602.95	16.58	18	549,893	330,421	1,650,891	2,200,784
Maryland	5,910,482	3,940,322	113.05	88.45	32	3,798,439	141,883	6,052,365	9,850,804
Massachusetts	5,769,490	3,846,326	128.99	77.52	56	3,288,422	557,904	6,327,394	9,615,816
Michigan	9,005,298	6,003,532	115.26	86.76	77	5,201,756	801,776	9,807,074	15,008,830
Minnesota	3,950,805	2,633,870	192.20	52.03	22	1,978,157	655,713	4,606,518	6,584,675
Mississippi	2,550,246	1,700,164	224.24	44.60	42	1,299,680	400,484	2,950,730	4,250,410
Missouri	5,603,227	3,735,484	118.89	84.11	45	2,931,440	804,044	6,407,271	9,338,711
Montana	1,336,338	890,892	274.12	36.48	22	663,553	227,339	1,563,677	2,227,230
Nebraska	1,824,345	1,216,230	229.88	43.50	11	1,062,898	153,332	1,977,677	3,040,575
Nevada	3,278,904	2,185,936	116.71	85.68	8	2,100,933	85,003	3,363,907	5,464,840
New Hampshire	1,368,431	912,287	491.45	20.35	18	595,467	316,820	1,685,252	2,280,719
New Jersey	6,448,664	4,299,109	150.78	66.32	69	3,488,541	810,568	7,259,232	10,747,773
New Mexico	2,549,959	1,699,973	133.21	75.07	28	1,477,825	222,148	2,772,107	4,249,932
New York	14,883,015	9,922,010	127.87	78.20	43	9,176,313	745,697	15,628,711	24,805,024
North Carolina	7,832,241	5,221,494	127.67	78.33	95	4,393,965	827,529	8,659,769	13,053,734
North Dakota	685,432	456,955	411.18	24.32	10	357,722	99,233	784,665	1,142,387
Ohio	8,483,811	5,655,874	147.10	67.98	55	4,775,900	879,974	9,363,785	14,139,685
Oklahoma	3,632,995	2,421,997	131.67	75.95	26	1,870,160	551,837	4,184,832	6,054,992
Oregon	3,016,090	2,010,727	197.23	50.70	29	1,662,873	347,854	3,363,944	5,026,817
Pennsylvania	9,893,946	6,595,964	139.64	71.61	50	5,119,978	1,475,986	11,369,932	16,489,910
Rhode Island	1,298,416	865,611	350.45	28.53	14	780,101	85,510	1,383,926	2,164,027
South Carolina	5,226,998	3,484,665	104.42	95.77	76	3,132,698	351,967	5,578,965	8,711,663
South Dakota	685,432	456,955	251.40	39.78	8	331,507	125,448	810,880	1,142,387
Tennessee	6,913,214	4,608,810	100.99	99.02	67	3,954,538	654,272	7,567,486	11,522,024
Texas	20,377,342	13,584,894	111.52	89.67	145	12,072,916	1,511,978	21,889,320	33,962,236
Utah	2,256,999	1,504,666	250.78	39.88	19	1,220,032	284,634	2,541,633	3,761,665
Vermont	685,432	456,955	742.21	13.47	12	328,800	128,155	813,587	1,142,387
Virginia	5,445,920	3,630,613	176.39	56.69	50	3,141,711	488,902	5,934,822	9,076,533
Washington	5,058,624	3,372,416	155.02	64.51	52	2,933,618	438,798	5,497,422	8,431,040
West Virginia	1,805,731	1,203,821	339.39	29.46	26	943,393	260,428	2,066,158	3,009,551
Wisconsin	4,177,147	2,784,765	175.23	57.07	25	2,168,642	616,123	4,793,269	6,961,911
Wyoming	685,432	456,955	349.98	28.57	15	322,796	134,159	819,591	1,142,387

In addition, the District of Columbia was eligible for \$2,709,606 million and Puerto Rico was eligible for \$4,942,689 million (table 2). Guam and the U.S. Virgin Islands were each eligible for the minimum award of \$1,142,387. American Samoa (\$765,399) and the Northern Mariana Islands (\$376,988) split one minimum award.

**TABLE 2.**

**Allocations to territories and District of Columbia, FY 2010**

Territories and D.C.	Award amount
Total	\$11,079,455
American Samoa	\$765,399
Northern Mariana Islands	\$376,988
Guam	\$1,142,387
Puerto Rico	\$4,942,689
Virgin Islands	\$1,142,387
District of Columbia	\$2,709,606

**Additional JAG provision**

**Pass-through requirement**

[Legislative Mandate: 42 USC 3755 (c)]

According to the JAG legislation, states may only retain 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.”

After determining the amount spent on criminal justice expenditures by the state government, the state may retain that amount. The remainder of the funds are passed down to the local governments within the state. These criminal justice expenditure amounts are referred to as “variable pass-through” data for the purpose of JAG awards.

During 2009, the U.S. Census Bureau finished compiling current criminal justice expenditure data in order to determine updated variable pass-through amounts. These pass-through amounts, based on data from 2006, were utilized for the 2010 JAG program and can be found on the BJA website: <http://www.bja.gov>.

**Disparate jurisdictions and joint allocations**

[Legislative Mandate: 42 USC 3755 (d) (3)(4)]

In some cases, as defined by the legislation, a disparity may exist between the funding eligibility of a county and associated municipalities. There are three different types of disparities that may exist.

The first type is referred to as a zero-county disparity. This situation exists when a municipality within a county is eligible for a direct award and the county is not, yet the county 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 although it may not report crime data to the FBI, it shares in the cost of criminal justice operations.

**Example:**

- Decatur, Illinois, is eligible for an award of \$85,140. Macon County, Illinois (which includes the city of Decatur), is not eligible for a direct award, but it provides criminal justice services to Decatur. In this case, Macon County and Decatur are considered zero-county disparate. Decatur must share its award funds with Macon County as mutually agreed upon.

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

**Example:**

- Pierce County, Washington, is eligible for an direct award of \$178,681. The city of Tacoma in Pierce County is eligible for a direct award of \$317,782. Tacoma’s award amount is more than 150% of Pierce County’s award amount. Consequently, the two governments’ awards (\$496,463) are pooled together and shared as mutually agreed upon.

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.

**Example:**

- San Mateo County, California, is eligible for an direct award of \$24,798. The cities of Daly (\$31,406), East Palo Alto (\$33,475), Redwood (\$32,168), San Bruno (\$12,962), San Mateo (\$35,981), and South San Francisco (\$20,296) (all located within San Mateo County) are also eligible for direct awards. The six cities’ awards sum to \$166,288. This summed amount is more than 400% of San Mateo County’s direct award amount of \$24,798. Consequently, all of the funds (\$191,086) are pooled together and must be shared among the seven units of local government as mutually agreed upon.

These three types of disparity are examined in order, and if a municipality is found to be disparate in one of these three ways, its award is not included in calculations to test other disparity situations. 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:**

- Rockingham County, New Hampshire, is eligible for an award of \$15,890. The cities of Derry Town (\$33,910), Londonderry (\$11,303), Portsmouth (\$19,166), Salem (\$23,589), and Seabrook (\$10,157)

(all located in Rockingham County) are also eligible for awards. The award for Derry Town is more than 150% of Rockingham County's award, and therefore Derry's award will be pooled with the county. The other four cities' awards sum to \$64,215. This summed amount is more than 400% of Rockingham County's direct award of \$15,890. Consequently, all of the funds (\$114,015) are pooled together and must be shared.

- Deschutes County, Oregon, is eligible for an award of \$16,633. The cities of Bend (\$29,782) and Redmond (\$15,187), both located in Deschutes County, are also eligible for awards. These two award amounts sum to \$44,969, which is less than 400% of the county's award amount. Although no 400% disparity exists, the award amount for the city of Bend is more than 150% of the award amount for Deschutes County. These two jurisdictions are disparate and will share \$46,415, the pooled amount of these two awards. The award for Redmond remains separate.

For disparate situations, regardless of the type, the total of all award funds of 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.

### **Maximum allocation to local units of government**

[Legislative Mandate: 42 USC 3755 (e) (1)]

According to the legislation, units of local government may not receive 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 population data used to calculate state and territory JAG allocations are estimates for 2009 provided by the U.S. Census Bureau. The state-level violent crime data used are estimates published by the FBI's Uniform Crime Reporting (UCR) Program in the annual publication *Crime in the United States*. For the 2010 JAG program, state-level crime data for the years 2006 through 2008 were used.

The crime data used to calculate local JAG allocation amounts are also provided by the UCR program. Data for local jurisdictions are obtained in an electronic format directly from the FBI and processed by BJS to link each crime-reporting entity to a local government. For the 2010 JAG, local crime data from 1991 through 2008 were used.

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 reported for that state published by the FBI. 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 non-reporting agencies and agencies reporting less than 12 months of data for the year. These imputed values do not appear on the electronic data file provided to BJS and are not used in the local award calculations.

## Territory allocations

Puerto Rico was the only territory receiving an initial allocation larger than the minimum amount, and also the only territory for which violent crime data were available. The JAG calculations for the other territories were based solely on population data. Because the other territories have relatively small populations (none exceeding 180,000), it is unlikely the inclusion of crime data would have changed their minimum status.

The current JAG legislation specifies that 40% of the total allocation for Puerto Rico be set aside for local awards; however, as of 2010, 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

For more information on the legal foundation of the allocation formula, please see 42 USC sec. 3754 and 42 USC sec. 3755.

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program was established to streamline justice funding and grant administration. Administered by the 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 (LLEBG) Programs. More information about the JAG program and application process can be found on the BJA website: <http://www.bja.gov>.

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The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. James P. Lynch is the director.

This technical report was prepared by Alexia Cooper and Brian Reaves. Josephine Palma and Sheri Simmons verified the report. Vanessa Curto and Jill Thomas edited the report, Barbara Quinn produced the report, and Jayne Robinson prepared the report for final printing, under the supervision of Doris J. James.

April 2011, NCJ 233811

This report in PDF and in ASCII and its related statistical data and tables are available at the BJS website: <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=2412>